



Palo Alto Police Department Case Number 15-7911
Released in Compliance of SB 1421

Redactions and Exclusions as Related to Privilege:

Penal Code 827.7(b)(5)(A) and (C)

Penal Code 832.7(b)(6)

Penal Code 13300 et seq.

Penal Code 11105 et seq.

Government Code 6253.3

Attorney-Client Privilege

Attorney Work Product Privilege, Gov. Code 6255

15-7911 Documents Withheld

CA DOJ CLETS Criminal History

CA DOJ CLETS CARPOS Query Information

CA DOJ CLETS Supervised Release File Information

CA DOJ CLETS Driver's License Information

CA DOJ CLETS Vehicle Registration Information

Marin County Probation Sentencing Report

Alameda County Probation Report

Santa Clara County Crime Lab Information

PALO ALTO POLICE DEPARTMENT
SUPERVISOR'S REPORT ON USE OF FORCE COVER SHEET Page 1 of 3

INCIDENT INFORMATION

Date	12/23/15	Time	1536	Case#	15-7911	Division	Patrol
Type of Incident/Call	488 Investigation						
Location	180 El Camino Real	Residence	<input checked="" type="checkbox"/>	Roadway	<input type="checkbox"/>	Business	<input checked="" type="checkbox"/>
		Other	<input type="checkbox"/>	Beat	1		
Internal Affairs investigation also being conducted?:							

INVOLVED OFFICERS

1. Last Name	Philip	First Name	Brian	ID#	5205	Vehicle#	5323	Patrol Car Video
Age	41	Race	W	Gender	M	Yrs. Of Service	11	Injured: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Force Used (check all that apply):		Control hold	<input checked="" type="checkbox"/>	Taser	<input type="checkbox"/>	Baton	<input type="checkbox"/>	Strike <input type="checkbox"/> OC <input type="checkbox"/>
Carotid <input type="checkbox"/> Firearm <input type="checkbox"/> 37mm <input type="checkbox"/> Other: <input checked="" type="checkbox"/>		Taken to ground						
Was Weapon effective? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>								
K-9 Bite <input type="checkbox"/> Dog: <input type="checkbox"/>		Warning Given: Yes <input type="checkbox"/> No <input type="checkbox"/>		(Describe why not in narrative)				
K-9 Sent: Yes <input type="checkbox"/> No <input type="checkbox"/>		K-9 On Leash <input type="checkbox"/> Off Leash <input type="checkbox"/>						

2. Last Name	Fino	First Name	Daniel	ID #	6381	Vehicle#	5323	Patrol Car Video:
Age	57	Race	O	Gender	M	Yrs. Of Service	34	Injured: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Force used (check all that apply):		Control hold	<input checked="" type="checkbox"/>	Taser	<input type="checkbox"/>	Baton	<input type="checkbox"/>	Physical strike <input type="checkbox"/> OC <input type="checkbox"/>
Carotid <input type="checkbox"/> Firearm <input type="checkbox"/> 37mm <input type="checkbox"/> Other: <input checked="" type="checkbox"/>		Taken to ground						
Was Weapon effective? Yes <input type="checkbox"/> No <input type="checkbox"/>								
K-9 Bite <input type="checkbox"/> Dog: <input type="checkbox"/>		Warning Given: Yes <input type="checkbox"/> No <input type="checkbox"/>		(Describe why not in narrative)				
K-9 Sent: Yes <input type="checkbox"/> No <input type="checkbox"/>		K-9 On Leash <input type="checkbox"/> Off Leash <input type="checkbox"/>						

3. Last Name	Burgio	First Name	Paul	ID #	6476	Vehicle#	5293	Patrol Car Video:
Age	39	Race	W	Gender	M	Yrs. Of Service	6	Injured: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Force Used (check all that apply):		Control hold	<input checked="" type="checkbox"/>	Taser	<input type="checkbox"/>	Baton	<input type="checkbox"/>	Strike <input checked="" type="checkbox"/> OC <input type="checkbox"/>
Carotid <input type="checkbox"/> Firearm <input type="checkbox"/> 37mm <input type="checkbox"/> Other: <input type="checkbox"/>								
Was Weapon effective? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>								
K-9 Bite <input type="checkbox"/> Dog: <input type="checkbox"/>		Warning Given: Yes <input type="checkbox"/> No <input type="checkbox"/>		(Describe why not in narrative)				
K-9 Sent: Yes <input type="checkbox"/> No <input type="checkbox"/>		K-9 On Leash <input type="checkbox"/> Off Leash <input type="checkbox"/>						

WITNESS OFFICERS

1. Last Name		First Name		ID #		Vehicle#	
2. Last Name		First Name		ID #		Vehicle#	
3. Last Name		First Name		ID #		Vehicle#	

WITNESSES/RP

1. Last Name		First Name		Home #		Cell#	
2. Last Name		First Name		Home #		Cell#	
Statement taken from #1:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Audio Recorded: <input checked="" type="checkbox"/>	Video Recorded: <input checked="" type="checkbox"/>			
Statement taken from #2:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Audio Recorded: <input type="checkbox"/>	Video Recorded: <input type="checkbox"/>			

PALO ALTO POLICE DEPARTMENT
SUPERVISOR'S REPORT ON USE OF FORCE COVER SHEET Page 2 of 3

INCIDENT INFORMATION

Date	12/23/15	Time	1536	Case#	15-7911	Division	Patrol
Type of Incident/Call 488 Investigation							
Location 180 El Camino Real				Residence	<input checked="" type="checkbox"/>	Roadway	
				Business	<input checked="" type="checkbox"/>	Other	
Beat						1	
Internal Affairs investigation also being conducted?:							

INVOLVED OFFICERS

4. Last Name		Reifschneider		First Name		James		ID#	5372	Vehicle#	5238	Patrol Car Video	
												Yes	<input checked="" type="checkbox"/> No <input type="checkbox"/>
Age	36	Race	W	Gender	M	Yrs. Of Service		10	Injured:		Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
Force Used (check all that apply):		Control hold		<input checked="" type="checkbox"/>	Taser		<input type="checkbox"/>	Baton		<input type="checkbox"/>	Strike		<input checked="" type="checkbox"/> OC <input type="checkbox"/>
Carotid <input type="checkbox"/>		Firearm <input type="checkbox"/>		37mm <input type="checkbox"/>		Other: <input checked="" type="checkbox"/>		Taken to ground					
Was Weapon effective?		Yes <input type="checkbox"/>		No <input type="checkbox"/>									
K-9 Bite		<input type="checkbox"/>		Dog:				Warning Given:		Yes <input type="checkbox"/>	No <input type="checkbox"/> (Describe why not in narrative)		
K-9 Sent:		Yes <input type="checkbox"/>		No <input type="checkbox"/>		K-9 On Leash		<input type="checkbox"/>	Off Leash <input type="checkbox"/>				

5. Last Name		Schmidt		First Name		Jeremy		ID #	6385	Vehicle#	5293	Patrol Car Video:	
												Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Age	36	Race	W	Gender	M	Yrs. Of Service		6.5	Injured:		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
Force used (check all that apply)		Control hold		<input checked="" type="checkbox"/>	Taser		<input type="checkbox"/>	Baton		<input type="checkbox"/>	Physical strike		<input type="checkbox"/> OC <input type="checkbox"/>
Carotid <input type="checkbox"/>		Firearm <input type="checkbox"/>		37mm <input type="checkbox"/>		Other: <input checked="" type="checkbox"/>		Taken to ground					
Was Weapon effective?		Yes <input type="checkbox"/>		No <input type="checkbox"/>									
K-9 Bite		<input type="checkbox"/>		Dog:				Warning Given:		Yes <input type="checkbox"/>	No <input type="checkbox"/> (Describe why not in narrative)		
K-9 Sent:		Yes <input type="checkbox"/>		No <input type="checkbox"/>		K-9 On Leash		<input type="checkbox"/>	Off Leash <input type="checkbox"/>				

6. Last Name				First Name				ID #		Vehicle#		Patrol Car Video:	
												Yes <input type="checkbox"/>	No <input type="checkbox"/>
Age		Race		Gender		Yrs. Of Service			Injured:		Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Force Used (check all that apply):		Control hold		<input type="checkbox"/>	Taser		<input type="checkbox"/>	Baton		<input type="checkbox"/>	Strike		<input type="checkbox"/> OC <input type="checkbox"/>
Carotid <input type="checkbox"/>		Firearm <input type="checkbox"/>		37mm <input type="checkbox"/>		Other: <input type="checkbox"/>							
Was Weapon effective?		Yes <input type="checkbox"/>		No <input type="checkbox"/>									
K-9 Bite		<input type="checkbox"/>		Dog:				Warning Given:		Yes <input type="checkbox"/>	No <input type="checkbox"/> (Describe why not in narrative)		
K-9 Sent:		Yes <input type="checkbox"/>		No <input type="checkbox"/>		K-9 On Leash		<input type="checkbox"/>	Off Leash <input type="checkbox"/>				

WITNESS OFFICERS

1. Last Name		First Name		ID #		Vehicle#	
2. Last Name		First Name		ID #		Vehicle#	
3. Last Name		First Name		ID #		Vehicle#	

WITNESSES/RP

1. Last Name		First Name		Home #		Cell#	
2. Last Name		First Name		Home #		Cell#	
Statement taken from #1:		Yes <input type="checkbox"/>	No <input type="checkbox"/>	Audio Recorded:		<input type="checkbox"/>	Video Recorded:
Statement taken from #2:		Yes <input type="checkbox"/>	No <input type="checkbox"/>	Audio Recorded:		<input type="checkbox"/>	Video Recorded:

PALO ALTO POLICE DEPARTMENT
SUPERVISOR'S REPORT ON USE OF FORCE COVER SHEET Page 2 of 2

INVOLVED SUBJECT

1. Last Name [REDACTED]		First Name [REDACTED]		DOB [REDACTED]	Race	B
Height	5 ft 11 inch	Weight	240 lbs			
Subject's Actions:		Verbal	<input checked="" type="checkbox"/>	Gestures	<input checked="" type="checkbox"/>	Flight
Other Weapon		<input type="checkbox"/>	Describe:		Firearm Type:	
Reason:	Scared	<input type="checkbox"/>	Under the influence	<input type="checkbox"/>	Mental health	<input type="checkbox"/>
Link to Officer:		#1	<input checked="" type="checkbox"/>	#2	<input checked="" type="checkbox"/>	#3
Claimed Injuries:	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Visible Injuries:	Yes
Body Part(s) Affected:		Left Eye, Head				
Describe Injuries:		Swelling, possible orbital fracture near left eye		Photo Type:	Digital	<input checked="" type="checkbox"/>
Treatment:		ER	<input checked="" type="checkbox"/>	Refused	<input type="checkbox"/>	At scene
Charges	69 PC	Booked	<input checked="" type="checkbox"/>	Fatal	<input type="checkbox"/>	Admitted
Subject Interview		Date:	12-23-15	Time:	1905	Video:
				Audio:	<input checked="" type="checkbox"/>	

See attachment for additional involved officers, witness officers or involved subjects.

ATTACHMENTS

- ☒ Attach police reports, CAD print out, photos, DVD of patrol car videos, CD of 911 calls and radio traffic.
☒ Attach DVD/CD of suspect interview.
☐ Other

POLICY REVIEW: Was detention prior to use of force within policy? Yes ☒ No ☐
 Was use of force within policy? Yes ☒ No ☐

PALO ALTO POLICE DEPARTMENT
SUPERVISOR'S REPORT ON USE OF FORCE COVER SHEET Page 3 of 3

Supervisor			Lieutenant		
Date:		Time:	Date:		Time:
Further Inquiry Required:	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	

Captain	<i>[Signature]</i>		Chief	<i>[Signature]</i>	
Date:	5/22/16	Time:	2020	Date:	5/21/16
Further Inquiry Required:	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	

P&T Lieutenant		
Date:		Time:
Further Inquiry Required:	Yes	<input type="checkbox"/>

Chiefs Presentation

UOF 2015-11

1. [REDACTED]
[REDACTED]
[REDACTED]
2. On 23 DEC 2015, SED is working plain clothes. [REDACTED]
Their goal is to go there, conduct surveillance and hopefully arrest suspect for dealing drugs. Philip and Fino in silver car and Schmidt and Burgio in white PU. MAV in silver car not logged into and neither officer were wearing mics.
3. SED is also required to spend time at the mall due to the holiday season.
4. While at the mall, Sgt. Philip and Ofc. Fino see three black males loitering outside the east doors of Macy's Men. They go to code 5 the subjects. They believe the suspects recognize them as officers (in silver vehicle) and leave and enter the east doors of Macy's men.
5. Sgt. Philip and Ofc. Fino park outside the east doors and enter together. Neither of the two have MAV mics on, the recoding from their vehicle is an after the fact recording.
6. They both observe a security guard and approach her. She is wearing a security jacket. They ask if everything is okay. She states to them that she believes there is some possible theft activity going on. At the same time, the suspect walks past them. She points to the suspect and tells them he is associated with the other males who are possibly involved in theft related activity.
7. The officers go to 10-95 the suspect. He refuses to stop. He begins to yell at them and they place him in control holds so he does not leave. Both officers stated they identified themselves as police officers and displayed badges. Sgt. Philip calls for emergency cover and they pin him up against a parked car. You can hear for a moment on the radio traffic from Philip the suspect yelling.
8. Reifschneider, Schmidt and Burgio arrive at the same time. Schmidt and Burgio are in plain clothes and driving the white PU which does not have MAV. All five officers were able to take the suspect to the ground. Once on the ground, the suspect continues to resist by keeping his hands underneath him and trying to push himself up. Officers are heard via Reifschneider's MAV telling the suspect repeatedly to stop resisting.
9. Reifschneider delivers several blows to suspect's hip area where the suspect's hand was underneath him in an attempt to get the suspect's hands. Burgio believing the suspect was possibly reaching for his firearm delivered one blow to the suspect's head. Burgio was unable to remember what part of the suspect's head he hit.
10. Officers were then able to take the suspect into custody. Suspect transported to the jail first then to hospital after medics looked at him at the station. Suspect had a broken orbital. Burgio may have caused this but a witness also stated the suspect was scraping his face back and forth on the pavement while he revisited. This may have caused this as well.

11. Suspect was on probation at the time. One of the probation requirements was that he cooperates with police.
12. The original security guard later stated that she did not mention anything to Philip or Fino about the males being involved in theft activity. She simply stated they were suspicious.
13. Macy's refuses to give us video. Fino wrote a search warrant for the video. These seems strange that loss prevention would not give us video. That video does not show the force. It does show the males subjects walking around store.
14. Suspect stated he did nothing wrong and that is why he did not stop. He also stated the two officers did not identify themselves at first.

PALO ALTO POLICE DEPARTMENT
Memorandum



To: Acting Assistant Chief Beacom
From: Acting Captain Patty Lum
Date: May 19, 2016
Subject: UOF 2015-11

On December 23, 2015, our Special Enforcement Detail lead by Sergeant Philip, went to the Stanford Shopping Center [REDACTED]

[REDACTED]

Sergeant Philip and Detective Fino were dressed in plain clothes, riding in their usual, partially unmarked vehicle. This vehicle is equipped with MAV, however, the officers had not tested it nor were they wearing microphones. Sergeant Philip and Detective Fino pulled into the Macys Men's' store parking lot area and immediately noticed a group of subjects in the parking lot. These subjects appeared suspicious to the officers and they followed them inside the store, ultimately developing reasonable suspicion to detain [REDACTED]

The question in this use of force investigation comes down to whether or not the Macy's security guard voiced a concern about the group of subjects [REDACTED] was associated with in the store and whether or not they were stealing items. Both officers believe the security guard voiced enough concern regarding the group as a whole to detain all of them. Their decision to detain [REDACTED] is based on her collective statements about him and the group as related to theft offenses.

In the parking lot, [REDACTED] ignores the officers' commands and actively resists their attempts to detain and handcuff him. During his administrative interview, it becomes clear that he was aware they were police officers but he made a conscious effort to resist them based on the fact that he did not believe he did anything wrong.

The supervising Deputy District Attorney in this case decided not file charges in this case. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

In conclusion, it appears that while the officers had set off to accomplish a very different task during the day, it is not inconceivable that their heightened level of awareness zeroed in on [REDACTED] in the same parking lot. Once the officers spoke with the security guard, they believed they had reasonable suspicion to detain him.

The biggest lesson learned in this case lack of a recorded statement due to the absence of a MAV microphone. While the officers had geared up for an undercover operation, they had not communicated with their manager, written an operations order or taken any other action to excuse them from uniformed patrol for the day.

In conclusion, I find that the use of force in this case is appropriate based on the fact available at the time to render the detention valid, however, the security guard's statement and her subsequent retraction of that statement could have been avoided with the appropriate use of a MAV unit.

I recommend that Sergeant Philip be given a Documented Oral Counseling memo regarding the requirements of MAV usage. Officer Fino should receive training on the same subject.



**PALO ALTO POLICE DEPARTMENT
MEMORANDUM**

DATE: APRIL 4, 2016
TO: A/CAPTAIN PATTY LUM
FROM: A/LIEUTENANT KEN KRATT
SUBJECT: UOF 2015-11

SYNOPSIS

A store security officer at Macy's Men's Store located at Stanford Shopping Center told police that the suspect was related with some possible shoplifting. Police went to detain the suspect to question him and he refused to comply with their directive to stop and then physically resisted the detention. During the arrest of the suspect, the suspect was taken to the ground and received physical blows from officers in order to affect the arrest. As a result of the arrest, a police sergeant received an injured [REDACTED] and the suspect received a fractured bone around his left eye. The suspect was medically cleared for booking and booked for PC 69.

SUSPECT INFORMATION

[REDACTED]
Black Male
[REDACTED]
[REDACTED]
5-11/ 240 pounds
[REDACTED]
[REDACTED]

INJURIES

Sergeant Brian Philip (#5205) injured his [REDACTED] received [REDACTED]
[REDACTED]. He was seen at the hospital and will receive
further treatment for [REDACTED]

[REDACTED] received a fractured left orbital bone. He was discharged from the
hospital and cleared for booking.

PROPERTY DAMAGE

None

INVOLVED OFFICERS AND ROLES

1. A/Lieutenant James Reifschneider (#5372) - Gave commands, inflicted physical blows to suspect during arrest.
2. Sergeant Brian Philip (#5205) - Involved in initial detention, gave commands and applied physical force to the suspect when taken to the ground during arrest.
3. Officer Dan Fino (#6381) - Involved in initial detention, gave commands and applied physical force to the suspect when taken to the ground during arrest.
4. Officer Jeremy Schmidt (#6385) - Gave commands and applied physical force to the suspect when taken to the ground during arrest.
5. Officer Paul Burgio (#6476) - Gave commands, inflicted a physical blow to the suspect's head and applied physical force to the suspect when taken to the ground.

Several other officers arrived on scene but were not involved in the use of force.

INVESTIGATION

The following is a summary of information obtained in written police reports, interviews and MAV recordings. I am a Police Sergeant assigned as the acting A-side day shift Watch Commander. On 23 DEC 2015 at approximately 1536 hours, Sergeant Philip and Officer Fino were working a plain clothes detail as part of the police department's Special Enforcement Detail (SED) at Stanford Shopping Center located at 180 El Camino Real. Sergeant Philip and Officer Fino had their police badges on their belts concealed by their clothing. On this day, in addition to Sergeant Philip and Officer Fino, two other members of the SED team, Officer Schmidt and Officer Burgio were also present at the Stanford Shopping Center. [REDACTED]

[REDACTED] The SED team was also required as part of their daily activity during the holiday season to spend time at the Shopping Center where a large amount of theft occurs during the holiday season.

While there, Sergeant Philip and Officer Fino were in the same vehicle and were checking on a few male subjects located on the east side of Macy's Men's Store. Macy's Men is located on the northeast corner of the shopping center. Sergeant Philip and Officer Fino watched these subjects due to them acting "boisterous" amongst themselves and loitering in the area. These subjects did not act like other shoppers in the area. Although Sergeant Philip and Officer Fino were in an unmarked vehicle, the

vehicle is equipped with spot lights and the interior of the vehicle is equipped as a normal marked vehicle such as a lap top computer and radios. As a result, Sergeant Philip and Officer Fino thought the subjects recognized them as police officers. Furthermore, Sergeant Philip thought the subjects appeared nervous. The subjects were outside the east doors and walked into the store after Sergeant Philip and Officer Fino believed the subjects recognized them as police officers.

They parked their unmarked vehicle and walked into the store. Almost immediately after entering the east doors, they contacted a security guard who told the officers there were males in the store who were suspicious and possibly involved in theft activity. That security officer was wearing a red jacket that said security on the jacket. During this time, the suspect [REDACTED] walked past the two officers and walked out the east doors towards the parking lot. The security guard told the officers the suspect was associated with the suspicious males, one of which may have stolen a shirt. It was not known if the suspect had committed a crime but was associated with the other subjects who the security guard reported to Sergeant Philip and Officer Fino.

The officers decided to go and detain and speak with the suspect. They contacted the suspect, identified themselves verbally as police officers, displayed their police badges and told him to stop. The suspect did not stop. The suspect told the officers that he did nothing wrong. Both officers applied control holds on the suspect's wrists to keep him from leaving. The suspect began to tense his arms and tried to walk away. In order to keep the suspect from walking away, the officers pinned the suspect against a parked vehicle to gain leverage as the suspect was large (5-11, 250 pounds). Sergeant Philip called for emergency assistance and the two officers continued struggling with the suspect keeping him pinned to the parked vehicle.

A short time later, A/Lieutenant Reifschneider, Officer Schmidt and Officer Burgio arrived on scene. A/Lieutenant Reifschneider was in full police uniform and responding in a marked patrol vehicle with lights and sirens activated. Officers Schmidt and Burgio were in plain clothes. When Officer Schmidt exited his vehicle, he lifted up his shirt exposing his firearm and police badge. Officer Burgio had a police badge hanging from his neck. They joined the struggle with the suspect and because of the officers present; they were able to take the suspect to the ground. When this occurred, Sergeant Philip came down onto the ground with the suspect and his left arm was around the suspect's neck area as a result of the takedown. Sergeant Philip stated he made sure he did not choke the suspect and tried to get his arm free as quickly as he could.

Once on the ground, the suspect still resisted arrest by trying to push himself up, moving his legs and refusing to obey commands given by officers. During this time in an effort to gain control of the suspect's left hand, Officer Burgio delivered one blow to the suspect's head. Officer Burgio stated the suspect was in close proximity to his firearm and a clip on knife and was in fear the suspect may have been reaching for that. Officer Burgio struck the suspect as Taser and pepper spray was not an option due to the close proximity to the suspect and other officers. It is unknown if this blow caused the injury to the suspect. At the same time, A/Lieutenant Reifschneider observed the suspect's

right hand underneath the suspect's hip area. In an attempt to get the suspect to remove his hand from there, A/Lieutenant Reifschneider hit the suspect with a fist several times in the hip in an attempt to get access to the suspect's hand. Another officer was able to get control of the suspect's hand and A/Lieutenant Reifschneider handcuffed the suspect utilizing two pairs of cuffs. Once the suspect was handcuffed, the suspect was brought to his feet.

During the encounter, officers continued telling the suspect they were the police, to stop resisting and to comply. This is captured on MAV recordings from A/Lieutenant Reifschneider's patrol vehicle.

Statements of Involved Officers

I reviewed all crime reports submitted by officers. I also reviewed the crime report and search warrant associated with why the officers were at the shopping center in pain clothes. I relied on those reports for the details of this investigation. I did however ask Officer Burgio via email if he could be more descriptive about his one strike to the suspect's head. Officer Burgio could not recall what part of the suspect's head he struck but said he used his fist to deliver the blow. For more information, see attached DR #15-7911

Statement of Witness

██████████ was interviewed by Sergeant Becchetti. The following is a brief summary from Sergeant Becchetti's supplemental report. Witness ██████████ was a security guard at Stanford Shopping Center. He was about six feet away and witnessed the interaction. He heard the officers telling the suspect throughout the altercation to stop resisting and identifying themselves as police officers. The suspect yelled at the officers that he did nothing wrong and they were targeting him because he was black. When the officers attempted to put the suspect in a wrist lock, the suspect began resisting. Once the suspect and officers were on the ground, he observed the suspect move his head left and right and looked like he was scraping his head on the ground. ██████████ witnessed A/Lieutenant Reifschneider strike the suspect's upper thigh area. He did not witness any other officer strike the suspect. ██████████ relayed to Sergeant Becchetti that he thought the officers used an appropriate amount of force on the suspect.

Statement of Suspect

Sergeant Becchetti interviewed the suspect at the hospital. The following is a brief summary from Sergeant Becchetti's supplemental report. The suspect stated he was contacted by the officers and he stopped. The officers did not identify themselves as police but he thought they were police due to the fact he had been incarcerated before. The suspect thought he did nothing wrong so the officers had no right to grab him. He said at some point during the interaction, they may have identified themselves as police but he was not sure. The suspect stated he did not comply because he did nothing wrong. He did hear them tell him to stop resisting.

The suspect said he was placed in a head lock and punched in the face approximately two times. He thought he may have lost consciousness but was not sure. The suspect thought the headlock was from an officer on his right side and described him as "young officer." The suspect felt no other blows to his body and had no other complaint of pain except for his head.

For more information on Witness [REDACTED] and Suspect [REDACTED] statement, refer to Sergeant Becchetti's supplemental report.

Statement of Witness [REDACTED]

On 1 FEB 2016, I contacted [REDACTED] in the loss prevention office at the Macy's Main store located at 180 El Camino Real. The following is a summary of what she told me. Her statement was consistent with what was written in the police reports submitted by Sergeant Philip and Officer Fino. She stated that she believed the individuals the officers observed were acting suspiciously while they were in the store. She felt the males were walking around the store without a purpose which is different than regular shoppers. She felt they were suspicious enough that she notified another loss prevention agent to start monitoring the subjects on camera.

One of the aspects of her statement I questioned her further on was the possible theft of the shirt. She stated that one of the subjects was outside and ripped a price tag off a shirt. She found that to be suspicious and "ghetto." I asked [REDACTED] if she saw the subject purchase the shirt. She stated she saw the subject enter a cash register line and then move to another register. Due to her rounds, she did not see the subject actually purchase this item. As a result, I asked her what she may have told the officers. She told me she did not state anything to them about theft or loss. She simply stated the subjects were suspicious and then pointed to the suspect as he walked by as being affiliated with the other subjects.

This was the main difference in her story. She did not mention to me at any time that she suspected the subjects were committing theft and said she did not tell the officers she suspected them of committing theft.

This interview was captured on my body worn camera. Refer to recording for more details.

Additional Information

As part of this investigation, I reviewed the following:

1. All police reports associated with DR #15-7911
[REDACTED]
[REDACTED]

4. I watched all MAV videos from the following police vehicles
 - 5238 (A/Lieutenant Reifschneider)

- 5323 (Sergeant Philip and Officer Fino)
- 5230 (Sergeant Becker)
- 5321 (Agent Holler)
- 5259 (Officer Moore)
- 5148 (Officer Monroe)
- 5258 (Officer Schmidt, Transport of suspect to jail)

The arrest was captured on a side camera from A/Lieutenant's Reifschneider's patrol vehicle and the side camera from Sergeant Philip and Officer Fino's patrol vehicle. The other videos did not show the arrest. When looking at the MAV recording from Sergeant Philip's and Officer Fino's vehicle, you can see the three male subjects described and observe them standing in an area of the lot and then walking into the store. The MAV recording from the rear camera shows the suspect exiting the store and then looking back into the store for a brief moment before he is no longer in view. The area he looked back to was the area in which Sergeant Philip and Officer Fino were contacting the security guard. There was no audio from Sergeant Philip's and Officer Fino's vehicle as they were not wearing MAV microphones and the MAV system was not activated by the officers. The recording was obtained through an "after the fact" recording. The side camera from this vehicle shows the initial contact and the two officers physically struggling with the suspect in a standing position. The camera view was blocked during the time the suspect was taken to the ground.

A/Lieutenant's Reifschneider's video captured audio of the commands being issued to the suspect including "stop resisting" and "get on the ground." It also showed the takedown of the suspect and the blows given to the suspect by A/Lieutenant Reifschneider. I could not see the physical blow that was directed at the suspect's head by Officer Burgio. I did not watch MAV videos beyond the use of force with the exception of Officer Monroe's video as he transported the suspect from the shopping center to AIB at the police department and the transport of the suspect to the jail by Officer Schmidt after the suspect was cleared for booking.

5. I re-interviewed Witness [REDACTED] (see above)
6. I listened to the audio from Palo Alto Communications.

When listening to the radio traffic, Sergeant Philip identifying himself with Officer Fino's call sign (L-24) states he is going to be "10-95 on one" and said "report of 3 or 4 possible shoplifters." You can also hear at one point the suspect clearly yelling at the officers when Sergeant Philip is broadcasting his call for help.

7. I reviewed a video from Macy's Security

Macy's Security would not supply the police department with the security video from inside the store. Officer Fino obtained this video only after he completed a search warrant for it. The video does depict the male subjects the officers spoke about walking throughout the store. It also shows Sergeant Philip and Officer Fino make contact with [REDACTED] the suspect walking by them and then the two officers exit the store to go and

contact the suspect outside. There is no audio on the recording and it does not capture the interaction outside the store.

I contacted OES Director Dueker to see if his contacts at Stanford Shopping Center were able to locate any video of the incident. According to Dueker, there are no cameras that capture the area of the parking lot where the incident occurred.

On 7 FEB 2016, I received an email from Officer Fino that had the blood results from the suspect. Identified in his blood was Benzoyllecgonine which is an indicator of cocaine use. I have included that as attachment #11.

The DA's office declined to file any charges on the suspect.

I was able to make contact with a probation officer from Napa County. The suspect was on probation at the time he was contacted by Sergeant Philip and Officer Fino. She was able to send me some probation information for the suspect. One of the requirements of the suspect's probation [REDACTED]. I emailed a copy of the report at their request so it could be provided to a judge [REDACTED]. I also emailed a copy of the suspect's blood results. [REDACTED]

[REDACTED] That was not as a result of this incident.

ATTACHMENTS

1. CAD Incident History Log
2. Copy of DR #15-7911
3. DVD copies of the above mentioned MAV videos
4. CD recording of radio communications
5. Copy of Use of Force Policy 300, Adoption Date 10-02-2014
6. Copy of MAV Policy 446, Adoption Date 10-02-2014
7. CD copy of Suspect Interview
8. Photos of suspect
9. Suspect's Criminal History
10. [REDACTED]
11. [REDACTED]
12. DVD copy of [REDACTED] 1 FEB 2016 interview
13. Blood results from county crime lab
14. [REDACTED]
15. [REDACTED]
16. Macy's Security video

OPINIONS AND CONCLUSIONS

The actions of the involved officers were reasonable and within policy guidelines.

I came to this conclusion based on my review of the completed police reports, available MAV footage and the interview of the suspect and witnesses conducted by Sergeant Becchetti. Based on my observations, I compared those to the Palo Alto Police Department's Use of Force Policy. Specifically, I looked PAPD Policy 300.3.2 and compared those to the observations and actions by the officers on scene at the time.

Policy 300.3.2

(b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time. - The suspect was refusing to obey the commands from Sergeant Philip to stop and physically pulled away when they tried to grab him.

(c) Officer/ Subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects). - The suspect was 5-11 and 250 pounds. The suspect was attempting to lift himself up despite several officers on top of him attempting to take him into custody.

(f) Proximity of Weapons or dangerous improvised devices. - All of the police officers were in close proximity to the suspect and all of the officers were armed. The suspect had his hands underneath him when he was on the ground and at the time, it was unknown if he was armed. Officer Burgio also stated that he thought the suspect was possibly reaching for his firearm.

(l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer. - From the initial contact, the suspect was resisting. He was doing this first by failing to follow commands and then not allowing the officers involved to take control of his arms. As mentioned above, even when on the ground, the suspect was attempting to push himself up as opposed to following instructions and letting the officers take control of his hands and place him into handcuffs.

In addition, Palo Alto Police Department Policy 300.3.1 states "Any peace officer may use reasonable force to effect an arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape or to overcome resistance (Penal Code § 835).

The MAV video obtained from Sgt. Philip and Officer Fino's patrol vehicle was acquired as a result of an after the fact recoding. Neither Sergeant Philip nor Officer Fino was wearing a MAV microphone at the time of the incident and neither of them was logged into the system. Although they were in plain clothes, they elected to drive a vehicle

equipped with a MAV system and should have been wearing microphones and should have been logged into the system. I found this to be a violation of PAPD Policy 446.



Palo Alto Police Memorandum

To: A/Lt. Kratt
From: Sgt. Ben Becchetti
Date: 12/30/2015
Re: Supplement for UOF 2015-11 / PAPD Case #15-7911

This memo is intended to be a supplemental to the Use of Force regarding PAPD case #15-7911

INVESTIGATION:

On 12/23/15, at approximately 1536 hours, I responded to a "Code 3 fill" request at Stanford Shopping Center, from Sgt. Brian Philip. I was working as the Field Supervisor and was informed that a Use of Force occurred and needed to be documented. I was later told by A/Lt. Reifschneider, I would not be the main author of the Use of Force investigation. I took an initial statement from the suspect as well as a Loss Prevention Officer from Macy's regarding the arrest and Use of Force. I later interviewed [REDACTED] from Stanford Shopping Center Security.

Ultimately I learned Sgt. Philip and Ofc. Fino attempted to detain a man outside of the Macy's store who may have been part of a group of suspected shoplifters. As Sgt. Philip and Ofc. Fino attempted to detain the man, he began to resist and force was used to affect a detention and arrest of the suspect. After a medical clearance for an injury to his eye, the suspect was booked into San Jose main jail for 69 PC, since Sgt. Philip also sustained an injury during the incident and was treated at [REDACTED] Hospital.

STATEMENTS:

I interviewed [REDACTED] at the [REDACTED] Hospital Emergency Department. I recorded the interview via an audio recorder. I also interviewed Loss Prevention Officer [REDACTED]. I did not record her statement. [REDACTED] was also going to provide a written statement for the incident

December 30, 2015

I interviewed [REDACTED] the Stanford Shopping Center Security [REDACTED] on duty at the time. [REDACTED] witnessed the event.

Statement of Suspect [REDACTED]

The following is a synopsis of the interview. Please refer to the audio recording for verbatim details.

I spoke with Suspect [REDACTED] and told him that I was only interviewing him regarding the Use of Force investigation, and that my conversation was separate from any criminal case. [REDACTED] was lying on the hospital bed after undergoing several medical checks on his health.

[REDACTED] stated he was outside of the Macy's store when he was approached by two police officers. [REDACTED] said he turned and came towards the officers when they asked him to, but then they grabbed his arms. [REDACTED] said the two, he described the officers as a "younger one and an older one," did not identify themselves as the Police. [REDACTED] said he thought they were the Police due to the fact that he had been incarcerated before and he just knew "from the streets," but ultimately he was not sure.

[REDACTED] said he "knew his rights" and he knew he did nothing wrong, so he did not balk at speaking with them. [REDACTED] said he had receipts for all the property and he wasn't involved in any theft. I asked [REDACTED] again if the officers identified themselves, and he said they did not. [REDACTED] said he did not see any badges or other Police identification. I asked [REDACTED] at any time if they verbally identified themselves as officers, and he thought maybe at some point they did, but he was not sure. [REDACTED] said he did nothing wrong so he thought the officers had no right to grab him or arrest him.

[REDACTED] said the "young one was on my right and the old one was on my left," referring to which officer was holding his arms. [REDACTED] said they wanted to detain him but he did not comply since he did not do anything wrong. [REDACTED] said he heard them say "stop resisting" but he also heard the "young one" swearing at him. I asked [REDACTED] if he hit or otherwise fought with the officers and he stated he did not. I asked [REDACTED] if he threatened or said anything to the officers, and he stated that he may have "called one of them a pussy or something." [REDACTED] said he also heard the officers say something to the effect of "just wait for backup then" but the "young one" was still "acting all hard." [REDACTED] said he then said additional police coming to the area so he got on his knees in an attempt to comply but ended up on the ground (where he was taken into custody).

[REDACTED] said he was choked (with an arm around his neck) and may have lost consciousness during the struggle, but he was not entirely sure. [REDACTED] said one of the officers got him in a "headlock" and began to hit him in the face, approximately two times. [REDACTED] thought this was the "young officer" on his right side. [REDACTED] said he thought he felt another strike to his head at one point, but was not sure when or how. [REDACTED] said he did not feel any other strikes or blows to the rest of his body and he did not complain of pain to anything other than his head.

December 30, 2015

I asked [REDACTED] how he would have handled the situation and he thought the officers should have just talked to him more. [REDACTED] had nothing further pertinent to add to the investigation but still wondered why he was going to be arrested.

Statement of Witness [REDACTED]

The following is a summary of our conversation unless indicated by quotes. Please refer to the MAV video for verbatim details.

[REDACTED] was working as the [REDACTED] for Stanford Shopping Center Security at the time of the incident. [REDACTED] said he was nearby when the incident occurred. [REDACTED] said he saw the police car drive up and saw the officers approach a black man standing near the front of Macy's Men's. [REDACTED] said he did not see any "Police" identification but did see one of the men, described as a "short officer and a tall one" speaking on a radio. [REDACTED] said he positioned himself behind a pole, approximately 6 feet away from the officers and the suspect.

[REDACTED] saw the officers try to talk to the suspect. [REDACTED] said the suspect began to yell and scream that they were only targeting him because he was black and "pulling the race card." [REDACTED] said the officers positioned themselves on both sides of the suspect, who was facing them. [REDACTED] said the "shorter" guy tried to place the suspect in a wrist lock but the suspect began to resist. [REDACTED] said the suspect would not comply and physically resisted the officers. [REDACTED] said he then saw the short officer put his leg in front of the suspect and the taller officer was behind the suspect but slightly to the side. [REDACTED] said the taller officer was pushing the suspect towards the ground from the rear shoulder area with an open hand, as if the suspect was bent at the waist and would not go any lower.

[REDACTED] continued to hear the suspect yell about being racially profiled and the suspect even asked him to record the incident. [REDACTED] said the suspect continued to resist but then he fell to the ground. [REDACTED] said one officer had one of the suspect's arms behind his back, but the suspect was squirming and still attempting to get up. [REDACTED] heard the officers yell, "Palo Alto Police" and "stop resisting" several times throughout the incident. [REDACTED] said that while the suspect was lying prone on the ground, the suspect was wrenching his head left and right and looked as though he was scraping his face on the ground.

[REDACTED] said the suspect then went to the ground and the officers got on top of him while some were attempting to handcuff him. [REDACTED] saw only one officer on the suspect's back and the others appeared to be on his side. [REDACTED] saw one officer on the suspect's legs hitting him near the upper thigh. [REDACTED] said he did not see any other punches. [REDACTED] did not see any punches to the head, kicks to the head, knees to the head, or other blows of any kind to the suspect. [REDACTED] described how he thought the suspect appeared to be attempting to get up off the ground while the officers were on top of him.

[REDACTED] thought the officers used an appropriate amount of force and thought "it" could have been a lot worse. [REDACTED] thought this because he has been involved in serious physical fights before, similar to the one he witnessed. Overall, [REDACTED] confirmed the suspect did not comply with the

December 30, 2015

officers and their orders and he thought the officers could have been seriously injured by the suspect.

Statement of Witness [REDACTED]

I spoke with [REDACTED] at the Macy's store but I did not record the interview.

[REDACTED] statement regarding the incident is conveyed in Ofc. Fino's crime report. I told her I was not interested in the merits of the crime itself, but what she witnessed regarding the physical altercation. It should also be noted that [REDACTED] told me overall, she witnessed approximately 20-30 percent of the interaction between the suspect and the officers, since she was inside the store across the street from the incident. [REDACTED] said her attention was divided between contacting the Loss Prevention Officers about the suspicious subjects and the unfolding incident with the officers. [REDACTED] thought the suspects were suspicious but did not report they actually committed a crime and she did not call the police regarding their behavior.

Additional Information:

I took several pictures of [REDACTED] and his injuries and they were later downloaded into Veripic. I made an CD of my audio recording with [REDACTED] and added it to this report. I requested a copy of my MAV recording with [REDACTED] and will attach it to the report.

End of supplement.

Event Search

Event Date Event Time
12/23/15 15:36:38

Event Number: PP153570101

<u>Agency</u>	<u>Prim Unit</u>	<u>Type</u>	<u>ESZ</u>	<u>Area</u>	<u>Group</u>
PAPD	80X5	1095	82300	PA1	PAPD

Location: , Apt: , Mun: PA

Comments: : @MACYS MEN J50
Xstreets:

Caller Name:
Caller Addr:
Caller Phone:
Call Source: OFFICER

Remarks:

** LOI search completed at 12/23/15 15:36:36

Field Event

SPECIAL ADDRESS COMMENT:

180 El Camino Real; Low Xstreet: Sand Hill Rd/High Xstreet: Quarry Rd
ON SAND HILL SIDE BY MACYS WITH GROUP OF SHOPLIFTERS

80X9 -- ONE DETAINED

80X9 -- REDUCE UNITS

3 SUBJS BMAS SKINNY ONE WITH

80Y21 -- CONTACTING LP

** LOI search completed at 12/23/15 15:40:15

** LOI search completed at 12/23/15 15:40:33

ONE WITH SHIRT THAT SAYS 501

** LOI search completed at 12/23/15 15:42:22

LP HAS 3 INSIDE

80X11 HAVE MEDICS MEET 80L21 AT STATION FOR SUSP

** LOI search completed at 12/23/15 15:43:20

** LOI search completed at 12/23/15 15:43:27

Unit [80L21] Inf Issue Qry 4046006:806168 CLETS - IR QVC:

[REDACTED]

Unit [80L21] Inf Issue Qry 4046007:806168 CLETS - IM QM:

[REDACTED]

Unit [80L21] Inf Issue Qry 4046008:806168 CLETS - IN L1: [REDACTED]

[REDACTED]

** LOI search completed at 12/23/15 15:45:08

Unit [80L21] Inf Issue Qry 4046017:80L21 CLETS - IR QVC:
[REDACTED]

Unit [80L21] Inf Issue Qry 4046018:80L21 CLETS - IM QM:
[REDACTED]

Unit [80L21] Inf Issue Qry 4046019:80L21 CLETS - IN L1:
[REDACTED]

** PER search completed at 12/23/15 15:45:31

Unit [80L21] Inf attach Rsp 4046020 Qry 4046019:80L21 CLETS - IN L1:
[REDACTED]

Unit [80L21] Inf attach Rsp 4046021 Qry 4046018:80L21 CLETS - IM QM:
[REDACTED]

Unit [80L21] Inf attach Rsp 4046022 Qry 4046017:80L21 CLETS - IR QVC:
[REDACTED]

Unit [80L21] Inf attach Rsp 4046023 Qry 4046017:80L21 CLETS - IR QVC:
[REDACTED]

Unit [80L21] Inf attach Rsp 4046024 Qry 4046017:80L21 CLETS - IR QVC:
[REDACTED]

Unit [80L21] Inf attach Rsp 4046025 Qry 4046017:80L21 CLETS - IR QVC:
[REDACTED]

Unit [80L21] Inf attach Rsp 4046026 Qry 4046017:80L21 CLETS - IR QVC:
[REDACTED]

Unit [80L21] Inf attach Rsp 4046027 Qry 4046017:80L21 CLETS - IR QVC:
[REDACTED]

Unit [80L21] Inf Issue Qry 4046028:80L21 CLETS - ID L1: [REDACTED]

** PER search completed at 12/23/15 15:45:37

Unit [80L21] Inf attach Rsp 4046029 Qry 4046028:80L21 CLETS - ID L1: [REDACTED]

** LOI search completed at 12/23/15 15:46:08

Unit [80L5] Inf Issue Qry 4046030:80L5 CLETS - IR QVC:
[REDACTED]

** PER search completed at 12/23/15 15:46:24

Unit [80L5] Inf Issue Qry 4046031:80L5 CLETS - IM QM:
[REDACTED]

Unit [80L5] Inf Issue Qry 4046032:80L5 CLETS - IN L1:
[REDACTED]

Unit [80L5] Inf attach Rsp 4046033 Qry 4046030:80L5 CLETS - IR QVC:
[REDACTED]

Unit [80L5] Inf attach Rsp 4046034 Qry 4046030:80L5 CLETS - IR QVC:
[REDACTED]

Unit [80L5] Inf attach Rsp 4046035 Qry 4046031:80L5 CLETS - IM QM:
[REDACTED]

Unit [80L5] Inf attach Rsp 4046036 Qry 4046030:80L5 CLETS - IR QVC:
[REDACTED]

Unit [80L5] Inf attach Rsp 4046037 Qry 4046032:80L5 CLETS - IN L1:
[REDACTED]

Unit [80L5] Inf attach Rsp 4046038 Qry 4046030:80L5 CLETS - IR QVC:
[REDACTED]

[REDACTED]
Unit [80L44] Inf attach Rsp 4046085 Qry 4046080:80L44 CLETS - IR QVC:

[REDACTED]
Unit [80L44] Inf attach Rsp 4046086 Qry 4046080:80L44 CLETS - IR QVC:

[REDACTED]
Unit [80L44] Inf attach Rsp 4046087 Qry 4046080:80L44 CLETS - IR QVC:

[REDACTED]
Unit [80L44] Inf attach Rsp 4046088 Qry 4046080:80L44 CLETS - IR QVC:

[REDACTED]
Unit [80L44] Inf attach Rsp 4046089 Qry 4046080:80L44 CLETS - IR QVC:

[REDACTED]
Unit [80L44] Inf attach Rsp 4046090 Qry 4046082:80L44 CLETS - ID L1 [REDACTED]
80L19 -- DETAINED

UNIT 80L43 TRANSPORTING TO @PAPD: MILEAGE = 065

COMMENTS:

** LOI search completed at 12/23/15 15:58:50

Unit [80L5] Inf Issue Qry 4046142:80L5 CLETS- IA QV: [REDACTED]

Unit [80L5] Inf Issue Qry 4046143:80L5 CLETS- IV: [REDACTED]

** VEH search completed at 12/23/15 16:02:46

Unit [80L5] Inf attach Rsp 4046144 Qry 4046142:80L5 CLETS- IA QV: [REDACTED]

Unit [80L5] Inf attach Rsp 4046145 Qry 4046143:80L5 CLETS- IV: [REDACTED]

80L19 -- 10-15 10-19

** LOI search completed at 12/23/15 16:04:26

** LOI search completed at 12/23/15 16:04:38

UNIT 80L44 TRANSPORTING TO @PAPD 85199: MILEAGE =

COMMENTS:

** LOI search completed at 12/23/15 16:05:35

System Unit Alarm

2 RENTAL VEHS KIAS NO OTHER SUBJS CURRENTLY OUTSTANDING

UNIT 80L43 MILEAGE = 66 : TRANSPORT ARRIVED COMMENTS:

Alarm Timer Extended: 0

[REDACTED]
System Unit Alarm

System Unit Alarm

Alarm Timer Extended: 0

Alarm Timer Extended: 0

System Unit Alarm

UNIT 80L44 MILEAGE = 85200 : TRANSPORT ARRIVED

COMMENTS:

System Unit Alarm

Alarm Timer Extended: 0

** LOI search completed at 12/23/15 16:13:57

Unit [80L28] Inf Issue Qry 4046249:806677 CLETS- IV: [REDACTED]

Unit [80L28] Inf Issue Qry 4046250:806677 CLETS- IA QV: [REDACTED]

Unit [80L28] Inf Issue Qry 4046253:806677 CLETS- IV: [REDACTED]

Unit [80L28] Inf Issue Qry 4046254:806677 CLETS- IA QV: [REDACTED]

System Unit Alarm

12/24/2015 7:56:39 AM

Event Search

Page 4

System Unit Alarm

System Unit Alarm

Alarm Timer Extended: 0

Alarm Timer Extended: 0

Alarm Timer Extended: 0

Unit [80X11] Inf Issue Qry 4046274:804788 CLETS - IR QVC:

Unit [80X11] Inf Issue Qry 4046275:804788 CLETS - IM QM:

Unit [80X11] Inf Issue Qry 4046276:804788 CLETS - IN L1:

** LOI search completed at 12/23/15 16:19:33

** LOI search completed at 12/23/15 16:30:02

** LOI search completed at 12/23/15 16:35:22

System Unit Alarm

Alarm Timer Extended: 0

** LOI search completed at 12/23/15 16:47:36

** LOI search completed at 12/23/15 17:16:43

** LOI search completed at 12/23/15 17:16:59

** LOI search completed at 12/23/15 17:17:27

** LOI search completed at 12/23/15 17:18:01

System Unit Alarm

Alarm Timer Extended: 0

** Case number PP1507911 has been assigned to event PP153570101

** >>>> by: ADRIENNE MOORE on terminal: padsp2

System Unit Alarm

System Unit Alarm

System Unit Alarm

System Unit Alarm

CONTACT MADE - Alarm Timer Extended: 0

CONTACT MADE IN ER - Alarm Timer Extended: 0

Alarm Timer Extended: 0

Alarm Timer Extended: 0

** LOI search completed at 12/23/15 17:57:45

UNIT 80L44 TRANSPORTING TO @SAN JOSE MAIN: MILEAGE =

85200 COMMENTS:

KIA PLATE [REDACTED] KEYS BOOKED FOR EVIDENCE

[REDACTED] KEYS BOOKED

UNIT 80L44 MILEAGE = 85218 : TRANSPORT ARRIVED

COMMENTS:

** LOI search completed at 12/23/15 19:00:54

System Unit Alarm

Alarm Timer Extended: 0

** LOI information for Event # PP153570101 was viewed at: 12/23/15 19:53:01

** >>>> by: RYAN JOY on terminal: padsp5

** LOI search completed at 12/23/15 20:27:29

UNIT 80L25 TRANSPORTING TO @SAN JOSE MAIN: MILEAGE =

12/24/2015 7:56:39 AM

Event_Search

Page 5

78711.3 COMMENTS:

X5 BLOOD TECH TO THE JAIL// BLOOD TECH CALLED
UNIT 80L25 MILEAGE = 78729.9 : TRANSPORT ARRIVED

COMMENTS:

Preempt Unit 80X9

BLOOD TECH WENT TO WRONG LOCATION // WILL BE 49 TO SJ MAIN JAIL NOW

** LOI search completed at 12/23/15 21:19:23

BLOOD TECH ETA OF 5MINS

System Unit Alarm

Alarm Timer Extended: 0

Times:

<u>Rec</u>	<u>Add</u>	<u>Dispatch</u>	<u>Enroute</u>	<u>Arrive</u>	<u>Close</u>	<u>Event Num</u>
15:36:38	15:36:38	15:36:38	15:37:57	15:36:39	01:54:29	PP153570101

Case Number	Event Number
PP1507911	PP153570101

Units	Car ID
80L19	5259
80L21	5148
80L24	
80L25	
80L26	
80L28	5142
80L43	5227
80L44	5145
80L5	
80X11	5230
80X5	
80X8	5250
80X9	5238
80Y21	5321

disposition

L

Released in Compliance of SB 1421 4/10/2019

I/Dispatcher Event Information

<u>Agency</u>	<u>R</u>	<u>P</u>	<u>Loi Until</u>	<u>Beat</u>	<u>DGroup</u>	<u>Event #</u>	<u>ETA</u>	<u>Type</u>	<u>S-Type</u>
PAPD	Y	4	12/23/15	PA1	PAPD	PP153570101		1095	

Location: PA: @MACYS MEN J50

xstreet

Type: 1095 - PED/BIKE STOP Subtype:

Caller Name:

Caller Addr:

Caller Phone:

Call Source: OFFICER

<u>Time</u>	<u>Remarks</u>
15:36:38	SPECIAL ADDRESS COMMENT:
15:36:38	180 El Camino Real; Low Xstreet: Sand Hill Rd/High Xstreet: Quarry Rd
15:37:39	ON SAND HILL SIDE BY MACYS WITH GROUP OF SHOPLIFTERS
15:38:51	80X9 -- ONE DETAINED
15:38:56	80X9 -- REDUCE UNITS
15:39:36	3 SUBJS BMAS SKINNY ONE WITH
15:39:45	80Y21 -- CONTACTING LP
15:41:48	ONE WITH SHIRT THAT SAYS 501
15:42:28	LP HAS 3 INSIDE
15:42:47	80X11 HAVE MEDICS MEET 80L21 AT STATION FOR SUSP
15:48:18	80L5 -- BM 6'2 BLK T SHIRT BLUE JEANS
15:49:09	FIRE STAGED ON BRYANT SIDE AT PD

12/23/2015 8:50:42 PM

Dispatcher_Event_info

Page 1

Released in Compliance of SB 1421 4/10/2019

<u>Time</u>	<u>Remarks</u>
15:55:13	LOOKING FOR BLUE KIA [REDACTED]
15:57:31	80L19 -- DETAINED
15:58:47	UNIT 80L43 TRANSPORTING TO @PAPD: MILEAGE = 065
15:58:47	COMMENTS:
16:04:11	80L19 -- 10-15 10-19
16:05:32	UNIT 80L44 TRANSPORTING TO @PAPD 85199: MILEAGE =
16:05:32	COMMENTS:
16:06:39	System Unit Alarm
16:06:56	2 RENTAL VEHS KIAS NO OTHER SUBJS CURRENTLY OUTSTANDING
16:07:16	UNIT 80L43 MILEAGE = 66 : TRANSPORT ARRIVED COMMENTS:
16:08:21	Alarm Timer Extended: 0
16:08:22	PLATES [REDACTED] AND [REDACTED]
16:08:47	System Unit Alarm
16:10:17	System Unit Alarm
16:10:36	Alarm Timer Extended: 0
16:10:37	Alarm Timer Extended: 0
16:12:02	System Unit Alarm
16:12:44	UNIT 80L44 MILEAGE = 85200 : TRANSPORT ARRIVED
16:12:44	COMMENTS:
16:13:18	System Unit Alarm
16:13:57	Alarm Timer Extended: 0
16:15:13	System Unit Alarm
16:16:10	System Unit Alarm
16:16:48	System Unit Alarm
16:17:25	Alarm Timer Extended: 0
16:17:27	Alarm Timer Extended: 0
16:17:28	Alarm Timer Extended: 0
16:43:55	System Unit Alarm
16:46:31	Alarm Timer Extended: 0
17:26:55	System Unit Alarm
17:31:27	Alarm Timer Extended: 0
17:46:47	System Unit Alarm

12/23/2015 8:50:42 PM

Dispatcher_Event_info

Page 2

Released in Compliance of SB 1421 4/10/2019

<u>Time</u>	<u>Remarks</u>
17:47:02	System Unit Alarm
17:47:30	System Unit Alarm
17:48:07	System Unit Alarm
17:52:28	CONTACT MADE - Alarm Timer Extended: 0
17:53:02	CONTACT MADE IN ER - Alarm Timer Extended: 0
17:56:09	Alarm Timer Extended: 0
17:56:10	Alarm Timer Extended: 0
17:57:46	UNIT 80L44 TRANSPORTING TO @SAN JOSE MAIN: MILEAGE =
17:57:46	85200 COMMENTS:
18:20:14	KIA PLATE [REDACTED] KEYS BOOKED FOR EVIDENCE
18:20:31	[REDACTED] KEYS BOOKED
18:23:10	UNIT 80L44 MILEAGE = 85218 : TRANSPORT ARRIVED
18:23:10	COMMENTS:
19:30:53	System Unit Alarm
19:31:01	Alarm Timer Extended: 0
20:27:30	UNIT 80L25 TRANSPORTING TO @SAN JOSE MAIN: MILEAGE =
20:27:30	78711.3 COMMENTS:
20:30:32	X5 BLOOD TECH TO THE JAIL// BLOOD TECH CALLED

<u>Unit</u>	<u>St</u>
80L19	ER
80L24	AR
80L25	TR
80L26	AR
80L5	AR
80X5	AR
80X9	AR

casenumber

PP1507911

12/23/2015 8:50:42 PM

Dispatcher_Event_info

Page 3

Released in Compliance of SB 1421 4/10/2019

disposition

L

12/23/2015 8:50:42 PM

Dispatcher_Event_info

Page 4



City of Palo Alto Police Department
Technical Services Division/Records Unit

QC Sheet

Case Number: 15-7911

Check All Applicable Boxes:

- ☒ ORIGINAL ☐ WARRANT ☐ FACE SHEET ONLY/LATE CASE
☐ SUPPLEMENT ☐ ACCIDENT ☐ WARRANT COMPLAINT REQUEST
☒ SUPPLEMENT TO COURT LIAISON ☐ DAMAGE TO CITY PROPERTY

Date Received in ODE: _____

PRS Initials: _____

Date If Original Sent Back to Officer: _____

PRS Initials: _____

Date Re-submitted to ODE: _____

PRS Initials: _____

Records Process	Date of Action	PRS Initials
STRIPPED		
COPY TO COURT LIAISON		
SUPPLEMENT ROUTED TO CRIME ANALYST		
SCAN TO PDF & ATTACH		
DATA ENTRY/RMS		
CJIC UPDATED/MISDEMEANOR CITES		
COURT LIAISON REVIEW		
CLETS ENTRIES MADE-CARPOS/SVS/APS/AFS		
SWITTERS/CHP PROCESSED		
NOTICE OF STORED VEHICLE		
CLETS REVIEW		
EMAIL SENT TO OFFICER/SGT		
JCR PACKET PROCESSED/ROUTED TO ISD		
OTHER		
RECORDS AUDIT		

Notes/Comments:



PALO ALTO POLICE DEPARTMENT
275 FOREST AVENUE
PALO ALTO, CA 94301
(650) 329-2406
WWW.PAPD.ORG

CASE NUMBER **15-7911**

ASSOCIATED CASE NUMBERS

REPORT TYPE/CLASSIFICATION **Assault/Peace Officer**LOCATION OF EVENT **180 El Camino**
☐ INFO ONLY ☒ BOOKING ☐ CITATION TYPE FORCE USED: **HAULS / FEET**

OCCURRED	DATE	TIME	DAY
ON OR FROM	12/23/15	15:30	Wed
TO	12/23/15	15:30	Wed
REPORTED	12/23/15	15:30	Wed

CLASSIFICATION	NAME (LAST, FIRST, MIDDLE)	RACE	SEX	DATE OF BIRTH	HEIGHT	WEIGHT
V	State of California					

VICTIM ADVISED: ☐ SEXUAL ASSAULT ☐ VIC/WIT ASSIST. ☐ DOMESTIC VIOLENCE ☐ PC 293

HOME ADDRESS CITY STATE ZIP CODE TELEPHONE NUMBER DRIVERS LICENSE NUMBER STATE

WORK/SCHOOL ADDRESS CITY STATE ZIP CODE TELEPHONE NUMBER CELLULAR TELEPHONE NUMBER

CLASSIFICATION	NAME (LAST, FIRST, MIDDLE)	RACE	SEX	DATE OF BIRTH	HEIGHT	WEIGHT
V#2	Philip, Brian			on file		

VICTIM ADVISED: ☐ SEXUAL ASSAULT ☐ VIC/WIT ASSIST. ☐ DOMESTIC VIOLENCE ☐ PC 293

HOME ADDRESS CITY STATE ZIP CODE TELEPHONE NUMBER DRIVERS LICENSE NUMBER STATE

on file

WORK/SCHOOL ADDRESS CITY STATE ZIP CODE TELEPHONE NUMBER CELLULAR TELEPHONE NUMBER

275 Forest Ave Palo Alto, Ca 94301 650-329-2413

VICTIM VEHICLE INFO	YEAR	MAKE	MODEL	BODY TYPE	COLOR	LICENSE/VIN NUMBER	STATE
Victim #							

☐ SAME AS VICTIM R/O'S NAME (LAST, FIRST, MIDDLE) ADDRESS CITY STATE ZIP CODE DAMAGE IN DOLLARS

Victim #

VICTIM VEHICLE WAS: ☐ STOLEN ☐ IMPOUNDED ☐ STORED ☐ LEFT AT SCENE ☐ RELEASED AT SCENE ☐ HELD FOR PROCESSING ☐ PRINTED AND RELEASED ☐ AT LARGE

<input checked="" type="checkbox"/> MAV <input type="checkbox"/> HATE CRIME <input checked="" type="checkbox"/> PHOTOS <input type="checkbox"/> TERRORISM <input checked="" type="checkbox"/> EVIDENCE <input type="checkbox"/> GANG <input type="checkbox"/> PROPERTY <input type="checkbox"/> TERRORISM	THEFT - EST. LOSS IN DOLLARS: TYPE OF PREMISES: STORE METHOD OF ENTRY: OPEN/UNLOCKED	VANDALISM - EST. LOSS IN DOLLARS: POINT OF ENTRY: DOMESTIC VIOLENCE:
OFFICER'S NAME Fino ID NUMBER 6381 DATE 12/23/15 WATCH/DIVISION 560 SUPERVISOR REVIEW 13 ID NUMBER 5205 DATE 12/24/15	PAGE # OF PAGE # 1 3	

REPORT TYPE		PALO ALTO POLICE				E NUMBER		SUPPLEMENT	
Assault/Peace Officer		ADDITIONAL PERSON REPORT				15-7911			

CLASSIFICATION	NAME (LAST, FIRST, MIDDLE)			RACE	SEX	DATE OF BIRTH	HEIGHT	WEIGHT
W	[REDACTED]			A	M	[REDACTED]		
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE <input type="checkbox"/> PC 293 HOME ADDRESS CITY STATE ZIP CODE TELEPHONE NUMBER DRIVERS LICENSE NUMBER STATE [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]								
WORK/SCHOOL NAME AND ADDRESS CITY STATE ZIP CODE TELEPHONE NUMBER CELLULAR TELEPHONE NUMBER [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]								

CLASSIFICATION	NAME (LAST, FIRST, MIDDLE)			RACE	SEX	DATE OF BIRTH	HEIGHT	WEIGHT
W	[REDACTED]			W	F	[REDACTED]		
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE <input type="checkbox"/> PC 293 HOME ADDRESS CITY STATE ZIP CODE TELEPHONE NUMBER DRIVERS LICENSE NUMBER STATE [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]								
WORK/SCHOOL NAME AND ADDRESS CITY STATE ZIP CODE TELEPHONE NUMBER CELLULAR TELEPHONE NUMBER [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]								

CLASSIFICATION	NAME (LAST, FIRST, MIDDLE)			RACE	SEX	DATE OF BIRTH	HEIGHT	WEIGHT
W	[REDACTED]			H	M	[REDACTED]		
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE <input type="checkbox"/> PC 293 HOME ADDRESS CITY STATE ZIP CODE TELEPHONE NUMBER DRIVERS LICENSE NUMBER STATE [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]								
WORK/SCHOOL NAME AND ADDRESS CITY STATE ZIP CODE TELEPHONE NUMBER CELLULAR TELEPHONE NUMBER [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]								

CLASSIFICATION	NAME (LAST, FIRST, MIDDLE)			RACE	SEX	DATE OF BIRTH	HEIGHT	WEIGHT
W	[REDACTED]			H	F	[REDACTED]		
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE <input type="checkbox"/> PC 293 HOME ADDRESS CITY STATE ZIP CODE TELEPHONE NUMBER DRIVERS LICENSE NUMBER STATE [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]								
WORK/SCHOOL NAME AND ADDRESS CITY STATE ZIP CODE TELEPHONE NUMBER CELLULAR TELEPHONE NUMBER [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]								

CLASSIFICATION	NAME (LAST, FIRST, MIDDLE)			RACE	SEX	DATE OF BIRTH	HEIGHT	WEIGHT
W	[REDACTED]			W	M	[REDACTED]		
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE <input type="checkbox"/> PC 293 HOME ADDRESS CITY STATE ZIP CODE TELEPHONE NUMBER DRIVERS LICENSE NUMBER STATE [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]								
WORK/SCHOOL NAME AND ADDRESS CITY STATE ZIP CODE TELEPHONE NUMBER CELLULAR TELEPHONE NUMBER [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]								

VICTIM VEHICLE INFO	YEAR	MAKE	MODEL	BODY TYPE	COLOR	LICENSE/VIN NUMBER	STATE
Victim #							
<input type="checkbox"/> SAME AS VICTIM R/O'S NAME (LAST, FIRST, MIDDLE) ADDRESS CITY STATE ZIP CODE DAMAGE IN DOLLARS Victim # [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]							
VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> RELEASED AT SCENE <input type="checkbox"/> HELD FOR PROCESSING <input type="checkbox"/> PRINTED AND RELEASED <input type="checkbox"/> AT LARGE							

OFFICER'S NAME	ID NUMBER	DATE	WATCH/DIVISION	SUPERVISOR REVIEW	ID NUMBER	DATE	PAGE # OF PAGE #
Fino	6381	12/23/15	SCD	[Signature]	5205	12/24/15	2 3

REPORT TYPE		PALO ALTO POLICE SUSPECT REPORT				CASE NUMBER		SUPPLEMENT										
Assault/Peace Officer						15-7911												
<input checked="" type="checkbox"/> BOOKED IN JAIL <input type="checkbox"/> CITATION ISSUED <input type="checkbox"/> RELEASED #49(B) <input type="checkbox"/> COMPLAINT REVIEW <input type="checkbox"/> INFO ONLY <input type="checkbox"/> AT LARGE <input type="checkbox"/> VMC <input type="checkbox"/> SEE JCR <input type="checkbox"/> OTHER(SEE REPORT)																		
SUSPECT #	NAME (LAST, FIRST, MIDDLE)	RACE	SEX	DATE OF BIRTH/AGE	FRAME	HEIGHT	WEIGHT	HAIR/EYES										
S#1	[REDACTED]	B	M	[REDACTED]		511	236	BLK/BRN										
AKA/MONIKER		RELATIONSHIP TO VICTIM		DRIVERS LICENSE NUMBER		STATE		SOCIAL SECURITY NUMBER										
[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]										
HOME ADDRESS		CITY	STATE	ZIP CODE		HOME TELEPHONE NUMBER		CELLULAR TELEPHONE NUMBER										
[REDACTED]				[REDACTED]		[REDACTED]		[REDACTED]										
WORK/SCHOOL ADDRESS		CITY	STATE	ZIP CODE		WORK/SCHOOL TELEPHONE NUMBER		PFN	PHOTO ID#									
[REDACTED]				[REDACTED]		[REDACTED]		[REDACTED]	[REDACTED]									
CLOTHING		CITATION NUMBER		CEN NUMBER		UNIQUE IDENTIFIERS (CIL#)												
gray plaid shirt, blue jeans, sneakers		[REDACTED]		[REDACTED]		[REDACTED]												
<table border="0" style="width:100%;"> <tr> <td style="vertical-align: top;"> HAIR STYLE <input checked="" type="checkbox"/> AFRO <input type="checkbox"/> BALD/SHAVED <input type="checkbox"/> BRAIDED <input type="checkbox"/> COLLAR <input type="checkbox"/> CREW CUT <input type="checkbox"/> LONG <input type="checkbox"/> PONY TAIL <input type="checkbox"/> PUNK <input checked="" type="checkbox"/> SHORT </td> <td style="vertical-align: top;"> HAIR TYPE <input checked="" type="checkbox"/> RECEDING <input type="checkbox"/> STRAIGHT <input type="checkbox"/> WAVY/CURLY <input type="checkbox"/> WIG/TOUPEE GLASSES <input type="checkbox"/> GLASSES <input type="checkbox"/> SUNGLASSES <input type="checkbox"/> HANDED <input type="checkbox"/> LEFT <input type="checkbox"/> RIGHT </td> <td style="vertical-align: top;"> FACIAL HAIR <input type="checkbox"/> BEARD <input type="checkbox"/> CLEAN SHAVEN <input type="checkbox"/> FU MANCHU <input type="checkbox"/> GOATEE <input type="checkbox"/> LOWER LIP <input type="checkbox"/> MUSTACHE <input type="checkbox"/> SIDE BURNS <input checked="" type="checkbox"/> UNSHAVEN </td> <td style="vertical-align: top;"> SPEECH <input type="checkbox"/> ACCENT <input type="checkbox"/> LISP <input type="checkbox"/> STUTTER TEETH <input type="checkbox"/> GOLD <input type="checkbox"/> MISSING <input type="checkbox"/> ROTTEN <input type="checkbox"/> SILVER </td> <td style="vertical-align: top;"> CLOTHING <input type="checkbox"/> CAP/HAT <input type="checkbox"/> GLOVES <input type="checkbox"/> MASK BUILD <input checked="" type="checkbox"/> HEAVY <input type="checkbox"/> MEDIUM <input type="checkbox"/> MUSCULAR <input type="checkbox"/> POT BELLY <input type="checkbox"/> SMALL <input type="checkbox"/> THIN </td> <td style="vertical-align: top;"> APPEARANCE <input type="checkbox"/> BODY ODOR <input type="checkbox"/> DISGUISE <input checked="" type="checkbox"/> UNKEMPT/DIRTY <input checked="" type="checkbox"/> WELL GROOMED </td> <td style="vertical-align: top;"> WEAPONS <input type="checkbox"/> CUTTING INS <input checked="" type="checkbox"/> HAND/FEET <input type="checkbox"/> REVOLVER <input type="checkbox"/> RIFLE <input type="checkbox"/> SEMI AUTO <input type="checkbox"/> SHOTGUN <input type="checkbox"/> SIMULATED <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER </td> <td colspan="2" style="vertical-align: top;"> SCARS, MARKS, TATTOOS ETC. CODE: T LOC: multiple DESCRIPTION: [REDACTED] CODE: [REDACTED] LOC: [REDACTED] DESCRIPTION: [REDACTED] </td> </tr> </table>										HAIR STYLE <input checked="" type="checkbox"/> AFRO <input type="checkbox"/> BALD/SHAVED <input type="checkbox"/> BRAIDED <input type="checkbox"/> COLLAR <input type="checkbox"/> CREW CUT <input type="checkbox"/> LONG <input type="checkbox"/> PONY TAIL <input type="checkbox"/> PUNK <input checked="" type="checkbox"/> SHORT	HAIR TYPE <input checked="" type="checkbox"/> RECEDING <input type="checkbox"/> STRAIGHT <input type="checkbox"/> WAVY/CURLY <input type="checkbox"/> WIG/TOUPEE GLASSES <input type="checkbox"/> GLASSES <input type="checkbox"/> SUNGLASSES <input type="checkbox"/> HANDED <input type="checkbox"/> LEFT <input type="checkbox"/> RIGHT	FACIAL HAIR <input type="checkbox"/> BEARD <input type="checkbox"/> CLEAN SHAVEN <input type="checkbox"/> FU MANCHU <input type="checkbox"/> GOATEE <input type="checkbox"/> LOWER LIP <input type="checkbox"/> MUSTACHE <input type="checkbox"/> SIDE BURNS <input checked="" type="checkbox"/> UNSHAVEN	SPEECH <input type="checkbox"/> ACCENT <input type="checkbox"/> LISP <input type="checkbox"/> STUTTER TEETH <input type="checkbox"/> GOLD <input type="checkbox"/> MISSING <input type="checkbox"/> ROTTEN <input type="checkbox"/> SILVER	CLOTHING <input type="checkbox"/> CAP/HAT <input type="checkbox"/> GLOVES <input type="checkbox"/> MASK BUILD <input checked="" type="checkbox"/> HEAVY <input type="checkbox"/> MEDIUM <input type="checkbox"/> MUSCULAR <input type="checkbox"/> POT BELLY <input type="checkbox"/> SMALL <input type="checkbox"/> THIN	APPEARANCE <input type="checkbox"/> BODY ODOR <input type="checkbox"/> DISGUISE <input checked="" type="checkbox"/> UNKEMPT/DIRTY <input checked="" type="checkbox"/> WELL GROOMED	WEAPONS <input type="checkbox"/> CUTTING INS <input checked="" type="checkbox"/> HAND/FEET <input type="checkbox"/> REVOLVER <input type="checkbox"/> RIFLE <input type="checkbox"/> SEMI AUTO <input type="checkbox"/> SHOTGUN <input type="checkbox"/> SIMULATED <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER	SCARS, MARKS, TATTOOS ETC. CODE: T LOC: multiple DESCRIPTION: [REDACTED] CODE: [REDACTED] LOC: [REDACTED] DESCRIPTION: [REDACTED]	
HAIR STYLE <input checked="" type="checkbox"/> AFRO <input type="checkbox"/> BALD/SHAVED <input type="checkbox"/> BRAIDED <input type="checkbox"/> COLLAR <input type="checkbox"/> CREW CUT <input type="checkbox"/> LONG <input type="checkbox"/> PONY TAIL <input type="checkbox"/> PUNK <input checked="" type="checkbox"/> SHORT	HAIR TYPE <input checked="" type="checkbox"/> RECEDING <input type="checkbox"/> STRAIGHT <input type="checkbox"/> WAVY/CURLY <input type="checkbox"/> WIG/TOUPEE GLASSES <input type="checkbox"/> GLASSES <input type="checkbox"/> SUNGLASSES <input type="checkbox"/> HANDED <input type="checkbox"/> LEFT <input type="checkbox"/> RIGHT	FACIAL HAIR <input type="checkbox"/> BEARD <input type="checkbox"/> CLEAN SHAVEN <input type="checkbox"/> FU MANCHU <input type="checkbox"/> GOATEE <input type="checkbox"/> LOWER LIP <input type="checkbox"/> MUSTACHE <input type="checkbox"/> SIDE BURNS <input checked="" type="checkbox"/> UNSHAVEN	SPEECH <input type="checkbox"/> ACCENT <input type="checkbox"/> LISP <input type="checkbox"/> STUTTER TEETH <input type="checkbox"/> GOLD <input type="checkbox"/> MISSING <input type="checkbox"/> ROTTEN <input type="checkbox"/> SILVER	CLOTHING <input type="checkbox"/> CAP/HAT <input type="checkbox"/> GLOVES <input type="checkbox"/> MASK BUILD <input checked="" type="checkbox"/> HEAVY <input type="checkbox"/> MEDIUM <input type="checkbox"/> MUSCULAR <input type="checkbox"/> POT BELLY <input type="checkbox"/> SMALL <input type="checkbox"/> THIN	APPEARANCE <input type="checkbox"/> BODY ODOR <input type="checkbox"/> DISGUISE <input checked="" type="checkbox"/> UNKEMPT/DIRTY <input checked="" type="checkbox"/> WELL GROOMED	WEAPONS <input type="checkbox"/> CUTTING INS <input checked="" type="checkbox"/> HAND/FEET <input type="checkbox"/> REVOLVER <input type="checkbox"/> RIFLE <input type="checkbox"/> SEMI AUTO <input type="checkbox"/> SHOTGUN <input type="checkbox"/> SIMULATED <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER	SCARS, MARKS, TATTOOS ETC. CODE: T LOC: multiple DESCRIPTION: [REDACTED] CODE: [REDACTED] LOC: [REDACTED] DESCRIPTION: [REDACTED]											
<input type="checkbox"/> BOOKED IN JAIL <input type="checkbox"/> CITATION ISSUED <input type="checkbox"/> RELEASED #49(B) <input type="checkbox"/> COMPLAINT REVIEW <input type="checkbox"/> INFO ONLY <input type="checkbox"/> AT LARGE <input type="checkbox"/> VMC <input type="checkbox"/> SEE JCR <input type="checkbox"/> OTHER(SEE REPORT)																		
SUSPECT #	NAME (LAST, FIRST, MIDDLE)	RACE	SEX	DATE OF BIRTH/AGE	FRAME	HEIGHT	WEIGHT	HAIR/EYES										
S#	[REDACTED]																	
AKA/MONIKER		RELATIONSHIP TO VICTIM		DRIVERS LICENSE NUMBER		STATE		SOCIAL SECURITY NUMBER										
[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]										
HOME ADDRESS		CITY	STATE	ZIP CODE		HOME TELEPHONE NUMBER		CELLULAR TELEPHONE NUMBER										
[REDACTED]				[REDACTED]		[REDACTED]		[REDACTED]										
WORK/SCHOOL ADDRESS		CITY	STATE	ZIP CODE		WORK/SCHOOL TELEPHONE NUMBER		PFN	PHOTO ID#									
[REDACTED]				[REDACTED]		[REDACTED]		[REDACTED]	[REDACTED]									
CLOTHING		CITATION NUMBER		CEN NUMBER		UNIQUE IDENTIFIERS (CIL#)												
[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]												
<table border="0" style="width:100%;"> <tr> <td style="vertical-align: top;"> HAIR STYLE <input type="checkbox"/> AFRO <input type="checkbox"/> BALD/SHAVED <input type="checkbox"/> BRAIDED <input type="checkbox"/> COLLAR <input type="checkbox"/> CREW CUT <input type="checkbox"/> LONG <input type="checkbox"/> PONY TAIL <input type="checkbox"/> PUNK <input type="checkbox"/> SHORT </td> <td style="vertical-align: top;"> HAIR TYPE <input type="checkbox"/> RECEDING <input type="checkbox"/> STRAIGHT <input type="checkbox"/> WAVY/CURLY <input type="checkbox"/> WIG/TOUPEE GLASSES <input type="checkbox"/> GLASSES <input type="checkbox"/> SUNGLASSES <input type="checkbox"/> HANDED <input type="checkbox"/> LEFT <input type="checkbox"/> RIGHT </td> <td style="vertical-align: top;"> FACIAL HAIR <input type="checkbox"/> BEARD <input type="checkbox"/> CLEAN SHAVEN <input type="checkbox"/> FU MANCHU <input type="checkbox"/> GOATEE <input type="checkbox"/> LOWER LIP <input type="checkbox"/> MUSTACHE <input type="checkbox"/> SIDE BURNS <input type="checkbox"/> UNSHAVEN </td> <td style="vertical-align: top;"> SPEECH <input type="checkbox"/> ACCENT <input type="checkbox"/> LISP <input type="checkbox"/> STUTTER TEETH <input type="checkbox"/> GOLD <input type="checkbox"/> MISSING <input type="checkbox"/> ROTTEN <input type="checkbox"/> SILVER </td> <td style="vertical-align: top;"> CLOTHING <input type="checkbox"/> CAP/HAT <input type="checkbox"/> GLOVES <input type="checkbox"/> MASK BUILD <input type="checkbox"/> HEAVY <input type="checkbox"/> MEDIUM <input type="checkbox"/> MUSCULAR <input type="checkbox"/> POT BELLY <input type="checkbox"/> SMALL <input type="checkbox"/> THIN </td> <td style="vertical-align: top;"> APPEARANCE <input type="checkbox"/> BODY ODOR <input type="checkbox"/> DISGUISE <input type="checkbox"/> UNKEMPT/DIRTY <input type="checkbox"/> WELL GROOMED </td> <td style="vertical-align: top;"> WEAPONS <input type="checkbox"/> CUTTING INS <input type="checkbox"/> HAND/FEET <input type="checkbox"/> REVOLVER <input type="checkbox"/> RIFLE <input type="checkbox"/> SEMI AUTO <input type="checkbox"/> SHOTGUN <input type="checkbox"/> SIMULATED <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER </td> <td colspan="2" style="vertical-align: top;"> SCARS, MARKS, TATTOOS ETC. CODE: [REDACTED] LOC: [REDACTED] DESCRIPTION: [REDACTED] CODE: [REDACTED] LOC: [REDACTED] DESCRIPTION: [REDACTED] </td> </tr> </table>										HAIR STYLE <input type="checkbox"/> AFRO <input type="checkbox"/> BALD/SHAVED <input type="checkbox"/> BRAIDED <input type="checkbox"/> COLLAR <input type="checkbox"/> CREW CUT <input type="checkbox"/> LONG <input type="checkbox"/> PONY TAIL <input type="checkbox"/> PUNK <input type="checkbox"/> SHORT	HAIR TYPE <input type="checkbox"/> RECEDING <input type="checkbox"/> STRAIGHT <input type="checkbox"/> WAVY/CURLY <input type="checkbox"/> WIG/TOUPEE GLASSES <input type="checkbox"/> GLASSES <input type="checkbox"/> SUNGLASSES <input type="checkbox"/> HANDED <input type="checkbox"/> LEFT <input type="checkbox"/> RIGHT	FACIAL HAIR <input type="checkbox"/> BEARD <input type="checkbox"/> CLEAN SHAVEN <input type="checkbox"/> FU MANCHU <input type="checkbox"/> GOATEE <input type="checkbox"/> LOWER LIP <input type="checkbox"/> MUSTACHE <input type="checkbox"/> SIDE BURNS <input type="checkbox"/> UNSHAVEN	SPEECH <input type="checkbox"/> ACCENT <input type="checkbox"/> LISP <input type="checkbox"/> STUTTER TEETH <input type="checkbox"/> GOLD <input type="checkbox"/> MISSING <input type="checkbox"/> ROTTEN <input type="checkbox"/> SILVER	CLOTHING <input type="checkbox"/> CAP/HAT <input type="checkbox"/> GLOVES <input type="checkbox"/> MASK BUILD <input type="checkbox"/> HEAVY <input type="checkbox"/> MEDIUM <input type="checkbox"/> MUSCULAR <input type="checkbox"/> POT BELLY <input type="checkbox"/> SMALL <input type="checkbox"/> THIN	APPEARANCE <input type="checkbox"/> BODY ODOR <input type="checkbox"/> DISGUISE <input type="checkbox"/> UNKEMPT/DIRTY <input type="checkbox"/> WELL GROOMED	WEAPONS <input type="checkbox"/> CUTTING INS <input type="checkbox"/> HAND/FEET <input type="checkbox"/> REVOLVER <input type="checkbox"/> RIFLE <input type="checkbox"/> SEMI AUTO <input type="checkbox"/> SHOTGUN <input type="checkbox"/> SIMULATED <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER	SCARS, MARKS, TATTOOS ETC. CODE: [REDACTED] LOC: [REDACTED] DESCRIPTION: [REDACTED] CODE: [REDACTED] LOC: [REDACTED] DESCRIPTION: [REDACTED]	
HAIR STYLE <input type="checkbox"/> AFRO <input type="checkbox"/> BALD/SHAVED <input type="checkbox"/> BRAIDED <input type="checkbox"/> COLLAR <input type="checkbox"/> CREW CUT <input type="checkbox"/> LONG <input type="checkbox"/> PONY TAIL <input type="checkbox"/> PUNK <input type="checkbox"/> SHORT	HAIR TYPE <input type="checkbox"/> RECEDING <input type="checkbox"/> STRAIGHT <input type="checkbox"/> WAVY/CURLY <input type="checkbox"/> WIG/TOUPEE GLASSES <input type="checkbox"/> GLASSES <input type="checkbox"/> SUNGLASSES <input type="checkbox"/> HANDED <input type="checkbox"/> LEFT <input type="checkbox"/> RIGHT	FACIAL HAIR <input type="checkbox"/> BEARD <input type="checkbox"/> CLEAN SHAVEN <input type="checkbox"/> FU MANCHU <input type="checkbox"/> GOATEE <input type="checkbox"/> LOWER LIP <input type="checkbox"/> MUSTACHE <input type="checkbox"/> SIDE BURNS <input type="checkbox"/> UNSHAVEN	SPEECH <input type="checkbox"/> ACCENT <input type="checkbox"/> LISP <input type="checkbox"/> STUTTER TEETH <input type="checkbox"/> GOLD <input type="checkbox"/> MISSING <input type="checkbox"/> ROTTEN <input type="checkbox"/> SILVER	CLOTHING <input type="checkbox"/> CAP/HAT <input type="checkbox"/> GLOVES <input type="checkbox"/> MASK BUILD <input type="checkbox"/> HEAVY <input type="checkbox"/> MEDIUM <input type="checkbox"/> MUSCULAR <input type="checkbox"/> POT BELLY <input type="checkbox"/> SMALL <input type="checkbox"/> THIN	APPEARANCE <input type="checkbox"/> BODY ODOR <input type="checkbox"/> DISGUISE <input type="checkbox"/> UNKEMPT/DIRTY <input type="checkbox"/> WELL GROOMED	WEAPONS <input type="checkbox"/> CUTTING INS <input type="checkbox"/> HAND/FEET <input type="checkbox"/> REVOLVER <input type="checkbox"/> RIFLE <input type="checkbox"/> SEMI AUTO <input type="checkbox"/> SHOTGUN <input type="checkbox"/> SIMULATED <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER	SCARS, MARKS, TATTOOS ETC. CODE: [REDACTED] LOC: [REDACTED] DESCRIPTION: [REDACTED] CODE: [REDACTED] LOC: [REDACTED] DESCRIPTION: [REDACTED]											
<input type="checkbox"/> BOOKED IN JAIL <input type="checkbox"/> CITATION ISSUED <input type="checkbox"/> RELEASED #49(B) <input type="checkbox"/> COMPLAINT REVIEW <input type="checkbox"/> INFO ONLY <input type="checkbox"/> AT LARGE <input type="checkbox"/> VMC <input type="checkbox"/> SEE JCR <input type="checkbox"/> OTHER(SEE REPORT)																		
SUSPECT#	VEHICLE YEAR	MAKE	MODEL	TYPE	COLOR	LICENSE PLATE/VIN#		STATE										
REGISTERED OWNER'S NAME (LAST, FIRST, MIDDLE)		HOME ADDRESS		CITY	STATE	ZIP CODE		DAMAGE TO VEHICLE										
[REDACTED]		[REDACTED]				[REDACTED]		[REDACTED]										
OFFICER'S NAME	ID NUMBER	DATE	WATCH/DIVISION	SUPERVISOR REVIEW	ID NUMBER	DATE	PAGE # OF PAGE #											
Fino	6381	12/23/15	SED	18	5205	12/24/15	3 3											

REPORT TYPE / CLASSIFICATION Assault / Peace Officer	SUPPLEMENTAL (PCLE) PALO ALTO POLICE CONTINUATION	CASE NUMBER 15-7911
--	---	-------------------------------

Synopsis:

Police contacted the suspect to investigate a reported shoplifting incident. The suspect resisted arrest upon being contacted by Police Officers. The suspect used his body force to avoid handcuffing procedures. Multiple officers arrived at the scene, and assisted in taking the suspect into custody. Arresting Officers received injuries as a result of the suspect's violent actions. The suspect was booked into jail.

Investigation:

On 12/23/15, at 1530 hours Sgt. Philip, and I were assigned to the Special Enforcement Team and dressed in plain clothes. We were also operating an unmarked police vehicle. The vehicle we were operating was a Chevrolet Caprice, which is equipped with two front spotlights mounted on the drivers, and right front passengers door. Sgt. Philip was driving the car while I was seated in the right front passenger's seat. The vehicle is also equipped with a laptop computer, which is located between the driver and passenger's area. The computer was open and operational at the time of the incident.

We responded to the Stanford Shopping Center [REDACTED]. We entered the east parking lot of the Stanford Shopping Center from El Camino Real, and Sandhill Rd. We drove west into the parking lot towards the Men's Macy's Department Store. We then completed a right turn in front of the Men's Macy's Department Store, and saw three African American males standing on a raised cement parking strip.

The parking strip was located approximately 15-20 yards to the east of the east front doors of the Men's Macys Store. The three males were standing close together, and it appeared that one of the males was talking on his cell phone. We drove within several feet in front of the group, which immediately drew their attention. They carefully followed our car with their eyes as we completed a right turn into the adjacent parking lane.

Based on the groups behavior I believe that they recognized us as Law Enforcement Officers. The parking lot was moderately filled with holiday shoppers at this time. I noted that other shoppers in the parking lot did not follow us as intently as we drove through the lot. We then completed a U-turn prior to entering a parking lane, and parked near several cars.

We had a clear view of the group, and I saw that they continually looked towards our direction. After several minutes the group walked across the street, and entered the east entrance doors to the Men's Macy's Store. We then suspected that they were involved in criminal activity due to their actions. We drove towards the front delivery area, and parked near the Macys entrance doors.

Sgt. Philip and I entered the east entrance doors, and immediately contacted Witness [REDACTED]. Witness [REDACTED] was standing inside of the east entrance doors. She was dressed in a red colored waist length jacket. The jacket was marked with Macy's Security on the left front breast area, and Security in large letters on the back.

OFFICER'S NAME D. Fino	ID NUMBER 06381	DATE 23 DEC 15	SUPERVISOR REVIEW 13	ID NUMBER 5205	DATE 12/24/15
----------------------------------	---------------------------	--------------------------	--------------------------------	--------------------------	-------------------------

REPORT TYPE / CLASSIFICATION Assault / Peace Officer	SUPPLEMENT (CIRCLE) 1	PALO ALTO POLICE CONTINUATION	CASE NUMBER 15-7911
--	---------------------------------	----------------------------------	-------------------------------

1 Witness [REDACTED] appeared tense, and nervous as Sgt. Philip spoke with her. Sgt. Philip asked
2 Witness [REDACTED] if the group of men were involved in stealing merchandise from the store.
3 Witness [REDACTED] replied that one of the guys, I think stole a shirt. She then looked around the
4 interior of the store, and immediately saw Suspect [REDACTED] walking within several feet of us.

5
6 Witness [REDACTED] looked directly at Suspect [REDACTED] and said he's with that group that took the
7 shirt. Suspect [REDACTED] then exited the east exit doors near the area where we were standing.
8 Sgt. Philip, and I followed Suspect [REDACTED] as he briskly walked east into the parking lot, where
9 the group had initially been standing. We followed Suspect [REDACTED] at a normal pace, and I
10 heard Sgt. Philip tell him to stop, Palo Alto Police. Sgt. Philip used a loud clear voice as he
11 ordered him to stop.

12
13 Suspect [REDACTED] who was holding a Macy's shopping bag in his hand continued to walk, and
14 ignored Sgt. Philip order to stop. Sgt. Philip again told Suspect [REDACTED] to stop, Palo Alto
15 Police. Suspect [REDACTED] continued to walk at a fast pace ignoring Sgt. Philip. Sgt. Philip
16 walked next to Suspect [REDACTED] and applied a light control hold on his right hand.

17
18 I contacted Suspect [REDACTED] and applied a control hold on his left hand. I also displayed my
19 PAPD badge to him, which was positioned on the left side of my belt. Suspect [REDACTED] became
20 angry and began to yell at us. He yelled, "I didn't do nothing wrong." He then clinched his fists
21 and attempted to pull away from us.

22
23 We continued to apply control holds to his hands, but the suspect became more aggressive and
24 began to use his body weight to resist us. The suspect is large in stature and is approximately 5-
25 11, and weighs 250 lbs. The suspect used his strength, and weight to push and attempt to free
26 himself from us. The suspect continued to yell, what I am detained for, I'm going to sue you
27 guys, I paid for everything. He also looked directly at Sgt. Philip and said, you can't hold me,
28 you guys are weak mother fuckers.

29
30 I replied in a calm voice, stop fighting us, we just want to talk to you, you need to calm down.
31 The suspect continued to yell, and refused to comply with our orders. We pushed the suspect
32 back against a parked car, and used our body weight to keep him in this position. We also
33 continued to apply control holds to his hands, and were unable to place him in a handcuffing
34 position.

35
36 Sgt. Philip used his police radio to broadcast the incident to the police dispatcher. He requested
37 Code 3 police patrol units respond to assist us. We continued to hold the suspect against the car
38 for several minutes. I then noted several uniformed patrol Officer to arrive in the area. The
39 Officers parked nearby and ran to our location to assist in the handcuffing of the suspect.

40
41 I continued to apply a control hold on the suspect's left hand, while other Officers made contact
42 with the suspect. The suspect was subsequently pushed to the ground and placed onto his
43 stomach. The suspect continued to yell and pull his arms away from us. Officers at the scene
44 gave the suspect orders to stop resisting, but he refused to comply.

OFFICER'S NAME D. Fino	ID NUMBER 06381	DATE 23 DEC 15	SUPERVISOR REVIEW 15	ID NUMBER 5205	DATE 12/24/15
----------------------------------	---------------------------	--------------------------	--------------------------------	--------------------------	-------------------------

REPORT TYPE / CLASSIFICATION Assault / Peace Officer	SUPPLEMENT (RCLE) PALO ALTO POLICE CONTINUATION	CASE NUMBER 15-7911
--	---	-------------------------------

1 Ultimately we were able to place the suspect's hands behind his back, and he was handcuffed.
2 The suspect was transported to [REDACTED] Hospital for treatment to his injuries.

3
4 I then returned to the Men's Macy's Store to conducted follow-up investigations. I contacted
5 Witness [REDACTED] and obtained her statement.

6
7 **Statements of Witness [REDACTED]**

8
9 I conducted an interview with Witness [REDACTED] in the Macys security office. Witness
10 [REDACTED] told me that she is employed as a Loss Prevention Officer by Macy's. She is
11 considered a seasonal employee and has been working in this positon for one month. Her duties
12 include greeting customers who enter the store, reporting suspicious activity, and to deter theft
13 related crimes. She is required to wear a red colored windbreaker style jacket, which is marked
14 Macy's Security on the front of the jacket. The words Security are printed in large letters on the
15 back of her jacket.

16
17 She also told me that she places her hair up above her collar to display the words security clearly
18 on her jacket. She received approximately one hour of security training from her Supervisor [REDACTED]
19 [REDACTED]. The training consisted of identifying suspicious activity, investigating the theft of
20 merchandise, and assisting customers. She was also trained to report the above listed incidents
21 to on duty Loss Prevention Agents. She continued to say that she received limited security
22 training because she was hired as a seasonal employee.

23
24 She began her shift today at 0900 hours, and was the only Loss Prevention Officer assigned to
25 the Men's Store. She was provided with a company cell phone, and was not given a handheld
26 radio to use during her shift. She was required to rotate from the East entrance doors, to the west
27 entrance doors during her shift.

28
29 At approximately 1500 hours she was positioned inside of the east entrance doors. She was
30 wearing her security jacket, and was monitoring customer's activities on the first floor. She saw
31 four African American Males enter the east entrance doors. The males entered as a group and
32 were talking to each other. She approached the males and greeted them as they walked near her.

33
34 Three males immediately walked to a POLO brand display table, which was positioned in near
35 the entrance doors. She said that the group ignored her as she attempted to speak with them.
36 She then saw Suspect [REDACTED] split off from the group, and walk towards the upstairs escalator.
37 She monitored the group's activities because they appeared suspicious. She positioned herself
38 near the display table and watched the three male's rifle through shirts on the table.

39
40 She believed that the males were just walking through the store, because they did not behave like
41 normal shoppers. They did not look at the price tags, or inspect the merchandise for fit. They
42 were loud as they spoke to one another, and appeared to be misbehaving in the store. She said
43 that Suspect [REDACTED] appeared to want to separate himself from the group, because of their
44 behavior in the store.

OFFICER'S NAME D. Fino	ID NUMBER 06381	DATE 23 DEC 15	SUPERVISOR REVIEW <i>[Signature]</i>	ID NUMBER 5225	DATE 12/24/15
----------------------------------	---------------------------	--------------------------	---	--------------------------	-------------------------

REPORT TYPE / CLASSIFICATION Assault / Peace Officer	SUPPLEMENT (RCLE) PALO ALTO POLICE CONTINUATION	CASE NUMBER 15-7911
--	---	-------------------------------

1 One of the males described as having a Mohawk haircut approached her, and ask if the Polo
2 sweaters on the table were thirty percent off. She replied yes. The male returned to the table,
3 and the group began to watch her.

4
5 The group continued to walk around the first floor of the store. One of the males removed a
6 black colored Polo Brand pullover sweater from a rack near the sales table. The male then
7 approached a sales person positioned at a nearby sales register. That male and another male
8 wearing a baseball cap then walked to the west portion of the store, and browsed another display
9 table.

10
11 [REDACTED] followed the two males as they browsed the display table and monitored their
12 activity. She further stated that the male who was holding a hover board exited, and entered the
13 store three times. The two males continued to watch her, and appeared to be upset that she was
14 following them.

15
16 She then saw Loss Prevention Officer [REDACTED] positioned in the Sunglass Hut sales area. She
17 approached [REDACTED] and told him that she believed that the group of males were acting suspicious.
18 She requested that [REDACTED] monitor the groups activities in the store via the security camera
19 system.

20
21 [REDACTED] returned to the west portion of the store, and saw the male with the Polo sweater
22 positioned near a sales table. She believed that his actions were suspicious because he did not
23 purchase the sweater at the time he spoke with the sales person on the east side of the store. She
24 suspected that he walked to the west portion of the store to steal the sweater.

25
26 She next saw the three males exit the east entrance doors. The group of males then walked
27 across the street into the parking lot area. They stood in the lot and began to watch her. She
28 stated that she felt that the group was trying to intimidate her by their actions. The male with the
29 Mohawk haircut walked towards the front entrance doors. He then removed the sales tag from
30 the black Polo sweater and placed the sweater on in an aggressive manner. He then turned away
31 from her and returned to the group.

32
33 She stated that she only witnessed Suspect [REDACTED] as he initially entered the store with the
34 group, and as he left the store prior to his arrest. She later stated that she believed that Suspect
35 [REDACTED] could help identify, or assist in identifying the group of three males whom she suspected
36 stole the black Polo sweater.

37
38 I asked [REDACTED] if she has participated in any theft related investigations since her
39 employment with Macy's. She that she was involved in one incident, but could not recall the
40 specific circumstances. She told me that she has limited experience as a Loss Prevention
41 Officer, and relies on her life experiences to identify suspicious activity. She stated that she
42 participated in thefts from stores as a juvenile, and had spoken to persons involved in theft
43 related crimes.

44
45 She stated that persons involved in thefts from stores often attempt to distract Security Officers
46 and sales person by misbehaving, or watching employee's activities in the store. She continued

OFFICER'S NAME D. Fino	ID NUMBER 06381	DATE 23 DEC 15	SUPERVISOR REVIEW <i>B</i>	ID NUMBER 5205	DATE 12/24/15
----------------------------------	---------------------------	--------------------------	-------------------------------	--------------------------	-------------------------

REPORT TYPE / CLASSIFICATION Assault / Peace Officer	SUPPLEMENT (SCL)	PALO ALTO POLICE CONTINUATION	CASE NUMBER 15-7911
--	------------------	----------------------------------	-------------------------------

1 to say that they often select high priced merchandise; they don't look at the sales tags, and walk
2 to other areas of the store to conceal property. She said that persons involved in shoplifting often
3 enter the store in groups, and try to distract employees, while one of the members steals
4 merchandise. She believed that the group of males exhibited all of these patterns.

5
6 She described the group as follows:

- 7
- 8 1. African American Male age: 25-30 yrs, Mohawk hair style haircut, wearing a black/white
- 9 colored scarf around his neck.
- 10 2. African American Male age: 25-30 yrs. holding a hover board.
- 11 3. African American Male age: 25-30 yrs, wearing a long sleeve shirt with the number
- 12 "510" printed on the chest, dark colored jeans, and wearing a baseball cap.
- 13 4. Suspect [REDACTED]
- 14

15 I then contacted Witness [REDACTED]

16
17 **Statements of Witness** [REDACTED]

18
19 Witness [REDACTED] is employed as the Lead Detective for Macy's Store and was on duty
20 at the time of the incident. I requested that [REDACTED] review the stores security camera
21 system regarding this incident. We then review the security video together and saw the group of
22 four males enter the east entrance door of the store together. Suspect [REDACTED] was in the group
23 as they entered the store.

24
25 I then reviewed the purchase of the men's Polo pullover shirt, and pants which was purchased by
26 Suspect [REDACTED]. I saw Suspect [REDACTED] approach a sales register, and pay for the Polo suit.
27 The items were placed into a Macy's shopping bag and he received a sales receipt for the
28 purchase. Suspect [REDACTED] was in the company of one of the males whom he entered the store
29 with.

30
31 I requested to view a video of the male with the Mohawk who purchased the Polo pullover
32 sweater. She told me that the sales register where the purchase was completed was not equipped
33 with a security camera.

34
35 I then provided [REDACTED] with the sales tag, which was attached to the Polo sweater and
36 pant suit that Suspect [REDACTED] purchased. [REDACTED] scanned the sales tag, and obtained
37 the sales receipt for the sale of the suit. The sales receipt listed the merchandise, and sales price.
38 The receipt also proved that Suspect [REDACTED] paid cash for the Polo suit. The total sales price
39 was \$184.11, and Suspect [REDACTED] provided \$200.00 dollars in U.S Currency for the purchase of
40 the suit.

41
42 I requested a copy of the security video, which documented the incident. [REDACTED]
43 advised me that I would have to contact her Supervisor [REDACTED]. I contacted Robert
44 [REDACTED] by telephone and requested a copy of the security video. [REDACTED] told me that he
45 would have to obtain consent from Macy's Corporate Attorneys prior to the release of the video.

OFFICER'S NAME D. Fino	ID NUMBER 06381	DATE 23 DEC 15	SUPERVISOR REVIEW <i>[Signature]</i>	ID NUMBER 5205	DATE 12/24/15
----------------------------------	---------------------------	--------------------------	---	--------------------------	-------------------------

REPORT TYPE / CLASSIFICATION Assault / Peace Officer	SUPPLEMENTAL (CIRCLE) PALO ALTO POLICE CONTINUATION	CASE NUMBER 15-7911
--	---	-------------------------------

Evidence:

I recovered the suspect's cellular telephone, and the Polo sweat suit which he purchased. I obtained a copy of the store receipt for the Polo suit which the suspect purchased. The above property was booked into PAPD evidence. The suspect also submitted to a blood specimen.

Injuries:

Sgt. B. Philip incurred a [REDACTED]
[REDACTED] Suspect [REDACTED] received an injury to his left eye. Both Sgt. Philip and the suspect received medical treatment for their injuries.


Recommendation:

Prosecute Suspect [REDACTED] as booked for 69 P.C.

PLEO

Sgt. B. Philip supplemental report
Officer Burgio supplemental report
Officer Schmidt supplemental report
Officer Burger supplemental report
Officer Wicht supplemental report
Act. Lt. Reifschneider supplemental report

OFFICER'S NAME D. Fino	ID NUMBER 06381	DATE 23 DEC 15	SUPERVISOR REVIEW <i>[Signature]</i>	ID NUMBER 5225	DATE 12/24/15
----------------------------------	---------------------------	--------------------------	---	--------------------------	-------------------------

REPORT TYPE		PALO ALTO POLICE				CASE NUMBER		<input checked="" type="checkbox"/> SUPPLEMENT	
Assault/Peace Officer		ADDITIONAL PERSON REPORT				15-7911			
									
CLASSIFICATION	NAME (LAST, FIRST, MIDDLE)			RACE	SEX	DATE OF BIRTH	HEIGHT	WEIGHT	
W	[REDACTED]			W	M	[REDACTED]			
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE <input type="checkbox"/> PC 293 HOME ADDRESS: CITY STATE ZIP CODE TELEPHONE NUMBER DRIVERS LICENSE NUMBER STATE									
[REDACTED]									
WORK/SCHOOL NAME AND ADDRESS CITY STATE ZIP CODE TELEPHONE NUMBER CELLULAR TELEPHONE NUMBER									
[REDACTED]									
CLASSIFICATION	NAME (LAST, FIRST, MIDDLE)			RACE	SEX	DATE OF BIRTH	HEIGHT	WEIGHT	
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE <input type="checkbox"/> PC 293 HOME ADDRESS: CITY STATE ZIP CODE TELEPHONE NUMBER DRIVERS LICENSE NUMBER STATE									
WORK/SCHOOL NAME AND ADDRESS CITY STATE ZIP CODE TELEPHONE NUMBER CELLULAR TELEPHONE NUMBER									
CLASSIFICATION	NAME (LAST, FIRST, MIDDLE)			RACE	SEX	DATE OF BIRTH	HEIGHT	WEIGHT	
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE <input type="checkbox"/> PC 293 HOME ADDRESS: CITY STATE ZIP CODE TELEPHONE NUMBER DRIVERS LICENSE NUMBER STATE									
WORK/SCHOOL NAME AND ADDRESS CITY STATE ZIP CODE TELEPHONE NUMBER CELLULAR TELEPHONE NUMBER									
CLASSIFICATION	NAME (LAST, FIRST, MIDDLE)			RACE	SEX	DATE OF BIRTH	HEIGHT	WEIGHT	
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE <input type="checkbox"/> PC 293 HOME ADDRESS: CITY STATE ZIP CODE TELEPHONE NUMBER DRIVERS LICENSE NUMBER STATE									
WORK/SCHOOL NAME AND ADDRESS CITY STATE ZIP CODE TELEPHONE NUMBER CELLULAR TELEPHONE NUMBER									
CLASSIFICATION	NAME (LAST, FIRST, MIDDLE)			RACE	SEX	DATE OF BIRTH	HEIGHT	WEIGHT	
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE <input type="checkbox"/> PC 293 HOME ADDRESS: CITY STATE ZIP CODE TELEPHONE NUMBER DRIVERS LICENSE NUMBER STATE									
WORK/SCHOOL NAME AND ADDRESS CITY STATE ZIP CODE TELEPHONE NUMBER CELLULAR TELEPHONE NUMBER									
VICTIM VEHICLE INFO	YEAR	MAKE	MODEL	BODY TYPE	COLOR	LICENSE/VIN NUMBER		STATE	
Victim #									
<input type="checkbox"/> SAME AS VICTIM R/O'S NAME (LAST, FIRST, MIDDLE) ADDRESS CITY STATE ZIP CODE DAMAGE IN DOLLARS									
Victim # [REDACTED]									
VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> RELEASED AT SCENE <input type="checkbox"/> HELD FOR PROCESSING <input type="checkbox"/> PRINTED AND RELEASED <input type="checkbox"/> AT LARGE									
OFFICER'S NAME		ID NUMBER	DATE	WATCH/DIVISION	SUPERVISOR REVIEW	ID NUMBER	DATE	PAGE # OF PAGE #	
D. Fino		06381	12/28/15	SED	DLGC	5661	12/29/15	1 1	

REPORT TYPE / CLASSIFICATION Assault / Peace Officer	SUPPLEMENTAL (CIRCLE) PALO ALTO POLICE CONTINUATION	CASE NUMBER 15-7911
--	---	-------------------------------

1 **Statements of Witness** [REDACTED]

2
3 On 12/28/15, I conducted an interview with Witness [REDACTED] at the Stanford Shopping
4 Center. [REDACTED] is employed as a uniformed Security Guard Supervisor for the Stanford
5 Shopping Center. He has been employed as a Security Guard at the shopping center since 2012.
6 On 12/23/15 [REDACTED] arrived at the shopping center to start his swing shift assignment. He
7 parked his car in the Men's Macy's parking lot and began to walk towards the west side of the
8 Men's Macy's Store.

9
10 He walked out of the parking lot, and crossed into the street near the front entrance of the Men's
11 Macy's Store. He saw Suspect [REDACTED] walking from the direction of the east entrance doors to
12 the Men's Macy's Store. He came within four feet of the Suspect who was holding a Macy's
13 shopping bag. He noted that the suspect was walking at a normal pace towards the parking lot.

14
15 He then saw two Police Officers who were dressed in plain clothes following behind the suspect.
16 He believed that the two males following the suspect were Police Officers because of their
17 physical appearance, the way they stood, one Officer was holding a police radio, and the intent
18 look upon their faces. At this time he believed that the two Officers were intending to take down
19 (arrest) the suspect for a crime related offense.

20
21 Witness [REDACTED] then completed a telephone call to his Security Dispatcher. He inquired if there
22 were any reported incidents in Lot 8 of Macy's Men's. The Dispatcher told him that there were
23 no reported events in the parking lot. Witness [REDACTED] requested an Officer be dispatched to the
24 area because he believed that the suspect was going to be arrested by the two Officers. At this
25 time he stated that he was standing on a raised cement island in the parking lot.

26
27 He was approximately six feet away, and had a clear view of the Suspect, and Officers. He saw
28 the taller Officer (Sgt. Philip) standing close to the suspect and engaged in a conversation. He
29 was unable to hear the conversation at this time. He then heard the Suspect yelling, I'm black
30 you wouldn't do this if I wasn't black.

31
32 Both Officer then placed hand holds onto the Suspects wrists. The Suspect began to pull, and
33 push his body, hands, and arms away from the Officers. The Officers continued to place the hold
34 on the Suspects wrists, and pushed him towards a nearby parked car. The Suspect pushed his
35 upper body forward, and Sgt. Philip respond by pushing against his shoulder.

36
37 The Suspect did not punch or kick at the Officers, but resisted by pushing and pulling away from
38 the Officers. Witness [REDACTED] further stated that the Officers did not punch, or kick at the
39 Suspect during this time. He recalled that the Suspect looked directly at him as he was holding
40 his cell phone. The suspect asked Witness [REDACTED] to video the event with his phone.

41
42 Witness [REDACTED] stated that the fight with the two Officers lasted approximately 15-20 seconds.
43 He the saw two other Officers arrive at the scene. One of the Officers was dressed in plain
44 clothes, while the other Officer was dressed in a uniform.

OFFICER'S NAME D. Fino	ID NUMBER 06381	DATE 28 DEC 15	SUPERVISOR REVIEW PL 99	ID NUMBER 5661	DATE 12/29/15
					PAGE 1

REPORT TYPE / CLASSIFICATION Assault / Peace Officer	SUPPLEMENTAL (CIRCLE) PALO ALTO POLICE CONTINUATION	CASE NUMBER 15-7911
--	---	-------------------------------

1 The Suspect was then pushed to the ground by the original two arresting Officers. He heard the
2 Suspect repeatedly yelling, "I'm black, I'm black". Once the Suspect was lying on his stomach
3 in the parking lot, he noticed the suspect to begin to arch his back up off the ground. He also
4 saw a uniformed Officer punching the Suspect in the thigh area in an attempt to give him a,
5 "Charley horse".

7 The Suspect continued to resist the arresting Officers by again pulling, and pushing his arms, and
8 hands away from the Officers. The Suspect was subsequently handcuffed behind his back and
9 stood up. This took approximately five to six minutes, while the Suspect was on the ground. As
10 the Suspect stood up he heard the Suspect say, "I can't breathe". Witness [REDACTED] stated that the
11 Suspect did not appear to be out of breath because he was able to move about.

13 The Suspect was then placed into a nearby patrol car. Witness [REDACTED] stated that the only
14 visible injury suffered by the Suspect was to a scrape to his left eye. He believed that the
15 Suspect could have received the injury, as a result of placing the left side of his face into the
16 ground and lifted his upper body into the air. Witness [REDACTED] did not witness any Police Officer
17 Choke, or kick the Suspect during the struggle.

19 Witness [REDACTED] stated that it was evident by the Suspects actions, that he was stronger than the
20 arresting Officers. He stated that the Suspect, "was not going easy, pushing and shoving, and
21 trying to get away". The suspect was able to push Officers away, and lift his upper body off the
22 ground while Officers were positioned on top of him. [REDACTED] believed that the Suspect was 5-10
23 / 6-0 ft. in height, and weighted between 260-270 lbs. [REDACTED] told me that he did not record the
24 incident on his cellular phone.

26 **Additional Information:**

28 As Sgt. Philip and I attempted to arrest the Suspect, I saw Witness [REDACTED] standing nearby. I
29 later spoke with Sgt. Philip about Witness [REDACTED] Presence and was told that [REDACTED] was
30 employed as a guard by the shopping center. I contacted the security office after the incident and
31 requested to conduct an interview with him. I was unable to conduct the interview on 12/23/15
32 due to the late hours.

34 **Evidence:**

36 I took photographs of Witness [REDACTED] wearing her red colored Macy's security jacket.
37 The photo was downloaded into the PAPD photo database.

39 **Recommendation:**

41 Forward to Court Liaison Officer.

OFFICER'S NAME D. Fino	ID NUMBER 06381	DATE 28 DEC 15	SUPERVISOR REVIEW <i>DLCC</i>	ID NUMBER <i>8661</i>	DATE <i>12/29/15</i>
					PAGE 2

REPORT TYPE / CLASSIFICATION

Assault/Peace Officer

SUPPLEMENT

IR(CLE)

PALO ALTO POLICE
CONTINUATION

CASE NUMBER

15-7911

Investigation:

I am the supervisor of the Palo Alto Police Special Enforcement Detail (SED). My three officers and I are tasked with handling crimes and quality of life issues in and around downtown Palo Alto, the transit depot, and the Stanford Shopping Center. Much of my team's focus is spent combating theft and narcotic related crime and their residual effects on the commercial areas of Palo Alto.

On December 23, 2015 at approximately 1530 hours, my partner and I, Officer Dan Fino, arrived at the Stanford Shopping Center [REDACTED] We were operating vehicle 5323, which is a silver unmarked Chevrolet Caprice. My team and I were in plain clothes [REDACTED] Upon arrival at the shopping center, Officer Fino and I drove through the parking lot on the northeast side of the mall. As we drove past Macy's we both saw three subjects loitering on the edge of the parking lot while talking on their cell phones. All three subjects appeared to be physically animated and boisterous amongst themselves, much different than all of the other holiday shoppers in the area. They made eye contact with my partner and me as we drove by, seemingly nervous as a result of our presence. Although our vehicle is unmarked, it has normal police spotlights on both sides and is the same style as the newer marked Caprice police cars. It was obvious to my partner and I that these three subjects recognized us as law enforcement and upon doing so, all three subjects quickly entered Macy's.

Given the amount of retail crime at the shopping center during the holiday season, I suspected that these subjects could be one of the many Organized Retail Theft (ORT) crews who have been plaguing the shopping center. I also knew from the six years I spent in the PAPD property crimes unit, three as a detective and three as a supervisor, that Christmas time is one of the most prevalent times for high end retail thefts. I knew from my training and experience that these particular groups operate in larger numbers specifically to distract store employees and loss prevention officers to order to conduct "grab and run" thefts. In some cases, these criminal groups use intimidation tactics where they actually steal items in plain sight using their aggressive behavior and often, larger statures to walk right out of the store. These cases often result in a confrontation between loss prevention and the suspects, where the suspects usually prevail.

With the foregoing in mind, my partner and I decided to park in the loading zone in front of the store and conduct a patrol check inside Macy's. As we entered the store in plain clothes, we identified ourselves as police officers to a woman wearing a red jacket that said "Macy's Security" on it. She was somewhat frantic and appeared to be talking on a cell phone. I asked the woman, later identified as [REDACTED] if everything was all right. She told me that there were several subjects inside the store acting suspiciously and she believed that they were involved in theft related activity. I asked her to describe them. She stated that they were all black male adults and had just re-entered the store before we did. One of them had a black shirt on with the numbers "510" across the chest. Based upon her description, these were the same subjects whom we saw when we originally arrived in the area.

OFFICER'S NAME

Sgt. B. Philip

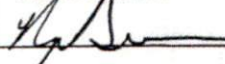
ID NUMBER

5205

DATE

12/23/15

SUPERVISOR REVIEW



ID NUMBER

10908

DATE

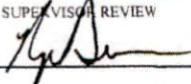
12/24/15

REPORT TYPE / CLASSIFICATION Assault/Peace Officer	SUPPLEMENT (IRCLE) PALO ALTO POLICE CONTINUATION	CASE NUMBER 15-7911
--	--	-------------------------------

1 She stated that these subjects had gone in and out of the store several times. She further stated
2 that one of them went outside the store before we arrived with a shirt in his hand. She saw him
3 staring at her from the parking lot. While doing so, this subject held up the shirt, ripped off the
4 sales tag, and put it on. In her mind, he was trying to demonstrate that he stole the shirt and that
5 she could do nothing about it. She stated that this subject was now somewhere in the store. As
6 we were speaking with her trying to get more information, a large statured African American
7 male walked by us. [REDACTED] suddenly turned and looked at him and told us that he was with the
8 earlier described group. We watched him walk away into the same parking lot where we saw the
9 original group congregating. The subject was carrying a shopping bag, had baggy blue jeans
10 hanging low below his waste, and was wearing a plaid style long sleeve shirt. Based upon the
11 suspicious behavior afoot inside the store, we decided to contact this subject to glean more
12 insight into the group's actions.

13
14 Officer Fino and I exited the store and yelled to the subject as he crossed into the parking lot
15 directly to the east. We told him to stop and I specifically said, "Palo Alto Police" as I lifted my
16 sweatshirt up to expose my silver police badge. I was also carrying a police radio and our
17 "unmarked" car was parked directly behind us. The subject continued to walk away and
18 disregard our commands. Once again, we loudly and clearly yelled, "police, stop!" We
19 eventually were able to walk up to him and I stated more softly, "Palo Alto Police, can we talk
20 with you for a minute", as I have said many times before with specific intention to introduce
21 calmness into a detention. However, the subject who was approximately 5 foot 11 and 250
22 pounds, began to yell and scream that he did nothing wrong. Fearing his resistance, Officer Fino
23 and I grabbed his hands in order to put him into simple hand holds. The suspect became tense,
24 clenched his fists, and began to pull away from us. I placed my left arm behind his right arm in
25 order to use a defensive tactics maneuver to lock his own arm behind his back. He resisted my
26 attempt and neither of us could bend his arms in any direction. The suspect yelled, "You are
27 weak mother fuckers" and continued to violently struggle with us, pushing and pulling us in
28 multiple directions. At this time, I pressed on the police radio transmit button and requested
29 emergency assistance (code 3 cover) since we could not successfully overcome the suspect's
30 resistance. While additional units responded with lights and sirens, Officer Fino and I remained
31 in a physical struggle with the suspect. All three of us were pressed up against a random parked
32 car. On more than one occasion the suspect pushed off of the car in order to get into the roadway
33 in order to free himself. We forced him back into the side of the parked car and used it as a
34 backstop to keep him under control. Officer Fino and I were on either side of him trying to
35 secure the suspect's arms behind his back while the suspect continued to break our physical
36 restraint in an attempt to break free. I told the suspect that more units were on the way and that
37 he should stop resisting immediately and relax. I continued to tell him multiple times to "stop
38 resisting" and stop fighting us. He did not respond to any of my directions.

39
40 The suspect's strength was apparent to me given the fact that I rarely have any issues putting
41 someone into a control hold and then hand cuffs. This suspect's arms remained rigid and firm
42 while he used his weight to prevent us from redirecting him. During the struggle, I attempted to
43 overcome the suspect's resistance by using an arm bar take down technique. This technique
44 requires the officer to make the person off balance by bending him at the waste before sweeping
45 the person to the ground using their extended arm. As I tried to bend the suspect over at the
46 waste, he reared back and I felt a firm "pop" in my [REDACTED] I knew that something was

OFFICER'S NAME Sgt. B. Philip	ID NUMBER 5205	DATE 12/23/15	SUPERVISOR REVIEW 	ID NUMBER 6908	DATE 12/24/15
---	--------------------------	-------------------------	---	--------------------------	-------------------------

REPORT TYPE / CLASSIFICATION Assault/Peace Officer	SUPPLEMENT RCLE)	PALO ALTO POLICE CONTINUATION	CASE BER 15-7911
--	---------------------	----------------------------------	-------------------------------

1 wrong but could do nothing about it until more officers arrived. I was later admitted into the
2 Emergency Department, x-rayed, and diagnosed with [REDACTED]
3 will require further treatment [REDACTED]
4

5 As backup units arrived on scene, about 6 of us were finally able to put the suspect on the
6 ground. He continued to fight all of us and would not give us his hands. I continued to tell the
7 suspect to stop resisting since I was basically face to face with him. He reared his head up on me
8 several times and I had to force his head down with my right hand to control it. My body was
9 directly on top of the suspect's and my head was right of his head. My left arm was bent around
10 his neck as a result of the take down. [REDACTED]

11 [REDACTED] I made sure that the suspect was not being choked and worked to get my
12 arm free from underneath his head as soon as possible. I could feel significant pain in my left
13 shoulder at this time. Eventually, the suspect told me he was done and would comply. I told him
14 that we would get him off the ground but he needed to stop fighting. Although I could not see
15 what was going on behind me, I heard several officers state that he was finally hand cuffed. The
16 suspect was lifted off the ground and transported to the station for further investigation.
17 However, due to a facial injury sustained during the fight medics were requested by police to
18 transport the suspect to [REDACTED] medical center for treatment.
19

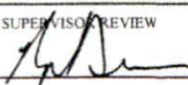
20 I remained on scene and assisted Officer Fino with follow-up. I also helped on scene units locate
21 and detain other possible conspirators. See the report of Officer Fino for specific information
22 about the circumstances involving this group.
23

24 Statement of Suspect [REDACTED]

25
26 At approximately 1800 hours, I arrived at the ER. After being treated myself, I returned to the
27 suspect's location in the ER. He was admitted for medical clearance due to injuries sustained
28 during the arrest. I interviewed him in a trauma bay since there was no other location to do so.
29 This interview was recorded on my department issued recording device. A copy of the recording
30 will be booked into the Palo Alto evidence department.
31

32 At 1935 hours, I read the suspect his Miranda rights from my department issued Miranda Card.
33 The suspect verbally stated that he understood his rights by expressly stating "yes" at the
34 conclusion of each respective right. I began the interview by introducing myself and telling him
35 that I was one of the officers who originally contacted him. I explained why we were attempting
36 to talk with him so that he had a clear understanding from our perspective. I told him that we
37 contacted him after Macy's security reported suspicious activity inside the store and that a store
38 security officer directed us to him as he exited the store. Furthermore, the security officer
39 believed that he [REDACTED] was part of a group stealing merchandise from the store. I told
40 [REDACTED] that as police officers it is our job to investigate suspicious activity, which many times
41 involves talking with those potentially involved. As such, we contacted him in order to talk about
42 what the security person described.
43

44 I asked [REDACTED] why he became immediately resistant to us as opposed to simply stopping and
45 talking with us. He responded, "Because I didn't do nothing". I asked him that if he didn't do
46 anything, then why did he have a problem talking with us. I told him that is what a reasonable

OFFICER'S NAME Sgt. B. Philip	ID NUMBER 5205	DATE 12/23/15	SUPERVISOR REVIEW 	ID NUMBER 6908	DATE 12/24/15
---	--------------------------	-------------------------	---	--------------------------	-------------------------

REPORT TYPE / CLASSIFICATION Assault/Peace Officer	SUPPLEMENT (CIRCLE) 1	PALO ALTO POLICE CONTINUATION	CASE NUMBER 15-7911
--	---------------------------------	----------------------------------	-------------------------------

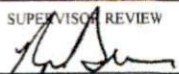
1 person would do. He began to reply, "That is what a reasonable person would do but..." He said
 2 he would have spoken to us if we had come at him a different way but he felt something going
 3 on when he left the store and when we approached him he didn't know what was happening. I
 4 informed him that I was there and that we didn't get a chance to chat with him because of his
 5 actions. I told him that all he had to do was stop, tell us he did nothing wrong, and show us the
 6 receipts he later told us about. I explained to [REDACTED] that once someone shows us resistance we
 7 can no longer attempt a simple interview. I told him that he is a big, strong person and that we
 8 had no chance to talk to him once he made the decision to resist. He replied by saying that we
 9 never told him to get on his knees or anything like that. I told him that all we wanted to do was
 10 talk to him and that we had no initial interest in taking any physical control of him.

11
 12 I explained to him that all that would have happened when we placed hands on him was that he
 13 would have been detained and handcuffed in order to calm things down and sort out whatever the
 14 security person told us. I then showed [REDACTED] the hospital bracelet on my wrist. I told him that
 15 I had to be treated for a [REDACTED] injury as a result of his actions and told him that simple
 16 compliance would have kept both of us out of the hospital tonight. I told him things did not have
 17 to go this way tonight, to which he responded calmly that what transpired was just a
 18 "miscommunication". [REDACTED] agreed that cooperation would have led to a better result.

19
 20 I asked [REDACTED] to tell me about his trip to Palo Alto tonight. He told me that it was his birthday
 21 and that he was going shopping with his friends. He said that he was looking for an outfit to go
 22 out and party in. He said that he and his friends are all from [REDACTED] and drove out here in a
 23 rental car. I asked him if his friends were intending to do anything inside the store. He said they
 24 were just helping him shop but his friends got on his nerves because they were rowdy inside the
 25 store. He said his friends were younger and were talking loud, playing music, and making a
 26 scene in the store. When they did this, he separated himself from them. I told him that they got
 27 the attention of the security as a result of their actions. He said that one of his friends noticed this
 28 and thought security believed they were stealing.

29
 30 [REDACTED] continued shopping and selected more items but eventually decided not to buy them. I
 31 told him that we saw his friends when we arrived at the store originally and saw them go inside.
 32 He said his friends are young, loud, and were making scenes. I told him that security is well
 33 aware of organized retail theft crews and that their tactics are consistent with the manner in
 34 which his friends were acting. [REDACTED] understood that. I asked him if he would agree with me
 35 that in the future, there is a better way to handle this situation. He agreed. He said that he is a
 36 "black guy" and was mad because he was being contacted by police. I understood that but
 37 assured him our reason for contacting him had nothing to do with that to which [REDACTED] seemed
 38 to understand.

39
 40 Officer Fino came in the room and told [REDACTED] about his friend who made a scene outside the
 41 store when he mocked the security woman by ripping the tag off the shirt and putting it on so as
 42 to suggest he stole it. [REDACTED] said his friend is an "asshole" and laughed. We explained to him
 43 that although it may seem funny to his friend, this type of behavior causes a police response, and
 44 in this case contributed to his police contact. [REDACTED] understood and called his friend an
 45 "asshole" and a "real jerk".
 46

OFFICER'S NAME Sgt. B. Philip	ID NUMBER 5205	DATE 12/23/15	SUPERVISOR REVIEW 	ID NUMBER 6908	DATE 12/24/15
---	--------------------------	-------------------------	---	--------------------------	-------------------------

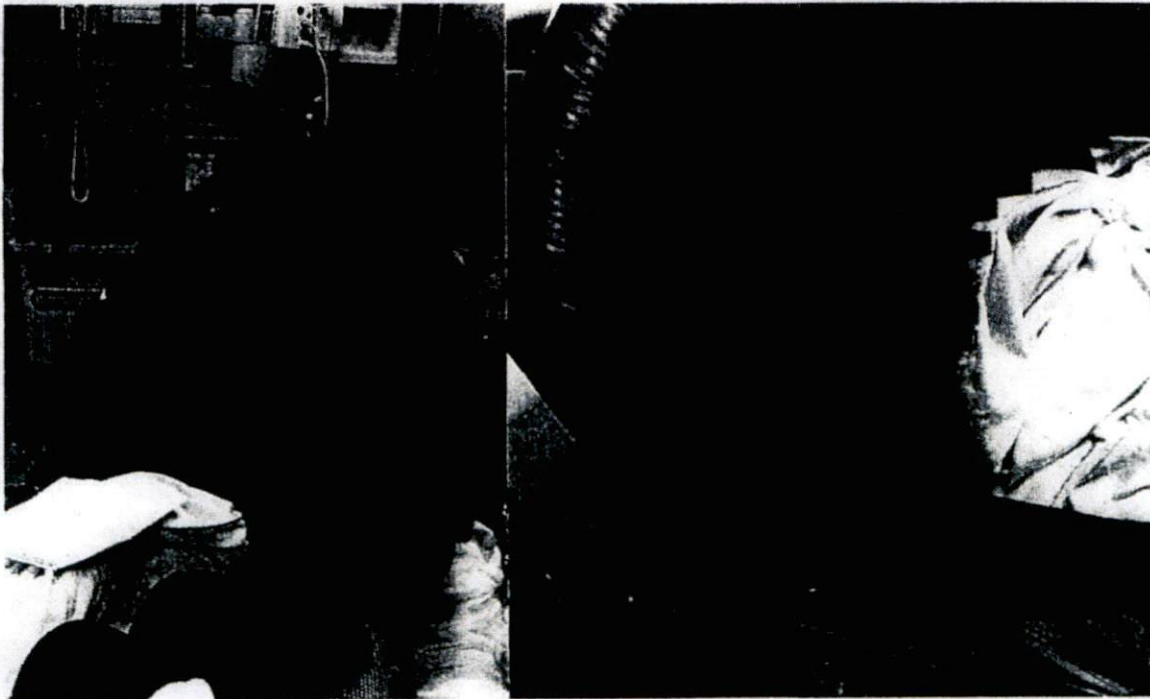
REPORT TYPE / CLASSIFICATION Assault/Peace Officer	SUPPLEMENT (RCLE)	PALO ALTO POLICE CONTINUATION	CAS (BER) 15-7911
--	-------------------	----------------------------------	-----------------------------

1 I asked him about the time we spent with him pushed up against the car. I asked why he didn't
2 accept our multiple offers to relax and calm things down. I told him that we didn't even know
3 who he was yet and simply needed to ask him about a couple of things. Once again he stated
4 that he didn't do anything and didn't want to be detained. He told me that he thought we could
5 talk like men. We reiterated that we walked up to him, spoke calmly, and really tried to talk to
6 him without success. Without an opportunity to talk to him, we had no possible way of hearing
7 what he had to say. We told him we were not into wrestling with people and that we were too old
8 for that, he jokingly responded that he is [REDACTED] and is too old as well. End of interview.

9
10 Officer Schmidt and Officer Burgio transported and booked the suspect into the main jail for 69
11 PC.

12
13 **Recommendation:**

14
15 Supplement only.



17

OFFICER'S NAME Sgt. B. Philip	ID NUMBER 5205	DATE 12/23/15	SUPERVISOR REVIEW <i>[Signature]</i>	ID NUMBER 6908	DATE 12/24/15
---	--------------------------	-------------------------	---	--------------------------	-------------------------

REPORT TYPE / CLASSIFICATION (CIRCLE)	SUPPLEMENT	PALO ALTO POLICE CONTINUATION	CASE NUMBER 15-7911
Assault / Peace Officer			

INVESTIGATION

On 12/23/2015, I was on patrol with the Special Enforcement Detail. I was partnered with Officer Schmidt and we were plain clothes and in an unmarked vehicle. Officer Schmidt was driving and we were at the Stanford Mall. I was monitoring the radio and I heard an emergency call for assistance. Sgt. Philip requested "code 3 fill," and he was at the Stanford Mall near Sand Hill Ave. As we neared the Macy's Men's store, I saw Sgt. Philip and Officer Fino with a suspect, later identified as [REDACTED] was standing up and Sgt. Philip was restraining the suspect's right arm and Ofc. Fino was restraining the left arm. I exited my vehicle and went to assist Sgt. Philip and Ofc. Fino.

As I made contact with Sgt. Philip, he stated that [REDACTED] was not cooperating and that he was resisting. I was positioned on [REDACTED] left side and I was holding his left upper arm. We attempted to handcuff the suspect and he stiffened his arms and forcibly pulled away. Sgt. Philip said to take [REDACTED] to the ground. I lost my grip of the suspect's upper arm, but other officers were able to take the suspect to the ground. I went to the ground with [REDACTED] still staying on his left side. When [REDACTED] was on the ground he grabbed my left foot and my left leg. I yelled at [REDACTED] to stop fighting, to stop resisting, and to put his hands behind his back. I pulled my leg away from [REDACTED] to keep him from grabbing my leg. [REDACTED] continued to resist by pulling his hands away and trying to stand up by putting his hands in front of his chest and pushing up.

I was focused on [REDACTED] hands and I saw that they were under his chest. I was able to grab ahold of [REDACTED] left forearm. I yelled at [REDACTED] multiple times to stop resisting. [REDACTED] pulled away from me and moved his hands under his chest again. [REDACTED] then started to push up from the ground with his hands and by lifting his upper body. The other officers were not able to control [REDACTED] hands or prevent him from fighting. [REDACTED] then moved his left hand towards my left side. My gun was on my left side and within arm's reach of [REDACTED] left hand. It was my perception at the time that [REDACTED] was moving his hand towards my gun in an attempt to use my firearm against me or the officers on scene. I also had an exposed clip on knife in my right pants pocket which was also in reach of [REDACTED] hands. Due to the suspect's level of resistance, his strength and size, I was unable to get a control hold of [REDACTED] left arm. Sgt. Philip asked officers on scene if anyone had a Taser. I did not have a Taser or a baton. It was not practical to use OC Spray on [REDACTED] because all of the officers struggling with [REDACTED] would have been exposed. Since [REDACTED] left hand was near my gun and my knife, I feared that there was an imminent threat of death or serious bodily injury to myself, officers on scene, and to the public. I needed to immediately resolve the situation and overcome [REDACTED] very forceful and active resistance. I struck [REDACTED] one time in the head in an attempt to gain pain compliance and immediately end the fight. I had no other option but to strike, because control holds failed to stop Famarin from fighting, OC would have exposed other officers on scene, I did not have a baton or Taser, and my gun and knife were within arm's reach of [REDACTED] left hand. Furthermore, [REDACTED] was fighting and pulling away from officers and he could have grabbed another officer's gun, knife, OC spray, or baton.

Moments after striking [REDACTED] I was able to gain control of his left arm. Officer Fino and I brought the suspect's hand behind his back. I put a handcuff on [REDACTED] left wrist while

OFFICER'S NAME BURGIO	ID NUMBER 6476	DATE 12/24/2015	SUPERVISOR REVIEW BY	ID NUMBER 5225	DATE 12/24/15
--------------------------	-------------------	--------------------	-------------------------	-------------------	------------------

REPORT TYPE / CLASSIFICATION (CIRCLE)	SUPPLEMENT	PALO ALTO POLICE CONTINUATION	CASE NUMBER 15-7911
Assault / Peace Officer			

Officer Fino held [REDACTED] arm behind his back. The other officer's on scene were able to handcuff the suspect's right arm and gain control. Once the suspect was handcuffed he stopped pulling away and resisting. The other officers on scene stood [REDACTED] up and walked him to a patrol car.

Later, I went to the hospital with Officer Schmidt to provide relief for Officer Monroe who was with [REDACTED] in the ER. While at the ER I was contacted by Officer Fino who requested assistance at Macy's. I drove to Macy's Men's Store and I met with Witness [REDACTED]. The following is a statement from [REDACTED] in summary.

Statement of Witness [REDACTED].

[REDACTED] is a Macy's loss prevention agent that works in the Macy's Men's store. [REDACTED] has worked for Macy's as a loss prevention agent for five months. [REDACTED] has received an estimated eighty hours of training in detecting suspicious activity, and theft. Today, [REDACTED] received a call from Visual Security Officer [REDACTED] that there were four suspicious persons in the store. [REDACTED] met with [REDACTED] and she told him that the male dressed in the scarf, gave her a "mad dog stare." The subject that was wearing the scarf confronted [REDACTED] and asked why he was staring at her. This confrontation made [REDACTED] very uncomfortable and she asked [REDACTED] to monitor the group on CCTV. [REDACTED] monitored the group as they were in the store. [REDACTED] did not observe any suspicious behavior.

After speaking with [REDACTED] I spoke with witness [REDACTED]. The following is a statement from [REDACTED] in summary.

Statement from witness [REDACTED]

[REDACTED] is a Macy's cashier at the men's store. Today, [REDACTED] saw four suspicious African Americans in the Ralph Lauren section of the store. [REDACTED] described the suspicious behavior as talking loudly, being disrespectful, wearing baggy clothing, checking sizes, picking up merchandise, and distracting employees. The group distracted employees by riding a scooter up and down the aisles, and blasting music in front of other customers.

[REDACTED] was not able to focus his attention on each one of the subjects because of the constant distractions. [REDACTED] has witnessed prior thefts at Macy's and in those past thefts, suspects have distracted employees while another subject steals merchandise. [REDACTED] has received video training with managers and loss prevention on theft. [REDACTED] felt that the aforementioned behaviors might indicate that they were stealing.

After speaking with [REDACTED] I returned to the hospital. At this point, [REDACTED] was treated and discharged from the ER. Officer Schmidt and I walked [REDACTED] outside to our patrol car and we transported [REDACTED] to the Santa Clara County Main Jail. At the jail a blood technician met us and took a sample of [REDACTED] blood. I took custody of the blood. When Officer Schmidt and I returned to PAPD I gave [REDACTED] blood sample to Officer Schmidt for booking.

Recommendation

OFFICER'S NAME BURGIO	ID NUMBER 6476	DATE 12/24/2015	SUPERVISOR REVIEW 12	ID NUMBER 5705	DATE 12/24/15
--------------------------	-------------------	--------------------	-------------------------	-------------------	------------------

REPORT TYPE / CLASSIFICATION (CIRCLE) Assault / Peace Officer	SUPPLEMENT 1	PALO ALTO POLICE CONTINUATION	CASE NUMBER 15-7911
--	------------------------	----------------------------------	-------------------------------

1 Supplement only, forward to court liaison.

OFFICER'S NAME BURGIO	ID NUMBER 6476	DATE 12/24/2015	SUPERVISOR REVIEW <i>13</i>	ID NUMBER <i>5205</i>	DATE <i>12/24/15</i>
---------------------------------	--------------------------	---------------------------	--------------------------------	--------------------------	-------------------------

REPORT TYPE / CLASSIFICATION Assault / Peace Officer	(SUPPLEMENT) (CIRCLE) PALO ALTO POLICE CONTINUATION	NUMBER 15-7911
--	--	--------------------------

INVESTIGATION

On 23 Dec 15, I was on duty with my partner, Officer Burgio. We drove an unmarked vehicle and wore plain clothes. We received a Code 3 fill request (Officer needs emergency assistance) from Sergeant Philip at the Stanford Shopping Center. We responded to the area and located Sergeant Philip and Officer Fino engaged with the suspect, later identified as [REDACTED]. Philip and Fino appeared to be holding [REDACTED] against a gray Honda Accord in the mall parking lot just outside the east exit to Men's Macy's.

Burgio and I exited our vehicle and approached to assist. I noted that Burgio wore his blue PAPD external vest carrier and he had his PAPD badge around his neck, displayed on his chest. I tucked my shirt behind my PAPD badge and gun on the right side of my belt. As I approached, I also notice Acting Lieutenant Reifschneider was approaching next to me. I saw [REDACTED] struggling with Philip and Fino. Philip told us that we needed to take [REDACTED] into custody and that he was not going to cooperate. As a group (Philip, Fino, Burgio, Reifschneider, and myself), we began wrestling [REDACTED] to the ground. I gave several orders for [REDACTED] to get on the ground and stop fighting. I also heard the other officers give similar commands. It was obvious to me that [REDACTED] knew that we were police officers and decided to continue resisting our efforts to take him into custody. I identified myself as a police officer multiple times during the struggle.

[REDACTED] initially tried to shrug off and shake off officers as we tried to grab onto him and take him to the ground. After we got ahold of him, he resisted our efforts to guide him to the ground by twisting and arching his back upwards. Once on the ground, [REDACTED] refused to comply with orders to put his hands behind his back and pushed up from the ground in a push up type motion as we tried to get his hands and take him into custody. I was not able to get ahold of [REDACTED] hands or body because other officers were in the way. I saw his left leg was loose and I pinned his left leg to the ground with my right knee in an attempt to limit his mobility and ability to resist the officers on his back who were attempting to get his hands under control. I saw that [REDACTED] left hand was cuffed and went around to [REDACTED] head to get his right hand under control and behind his back. [REDACTED] continued to resist until he was fully cuffed. I was able to work with Fino to force [REDACTED] right hand behind his back for cuffing.

After [REDACTED] was in custody, I responded to [REDACTED] ER to take custody of [REDACTED]. I watched him as he received medical attention. [REDACTED] sat up and lay on his side although he was in a neck brace and Nurses asked him to lie on his back. [REDACTED] complained of pain to his left eye, but kept pressing on his eye and pulling on the swollen area around the eye. [REDACTED] asked if he could refuse medical treatment, but I told him that he needed to wait for all of his test results to come back for his safety. The nurse told [REDACTED] that his orbit was fractured, but he continued to manipulate and tamper with his eye and the surrounding area.

I called [REDACTED] Probation and requested a probation hold on [REDACTED]. The officer on duty told me that a hold was reasonable because [REDACTED] was [REDACTED]. The officer was not able to grant a formal hold immediately without "further investigation." I also called [REDACTED] probation to request a hold for [REDACTED] but no officers were available.

OFFICER'S NAME J. Schmidt	ID NUMBER 6385	DATE 23 Dec 15	SUPERVISOR REVIEW [Signature]	ID NUMBER 5705	DATE 12/24/15
-------------------------------------	--------------------------	--------------------------	---	--------------------------	-------------------------

REPORT TYPE / CLASSIFICATION Assault / Peace Officer	SUPPLEMENT (CIRCLE) 2	PALO ALTO POLICE CONTINUATION	CASE NUMBER 15-7911
--	---------------------------------	----------------------------------	-------------------------------

1
2 I transported [REDACTED] to the Santa Clara County Main Jail for booking. Fino called and told me
3 to meet with a blood technician at the jail to take a blood sample from [REDACTED] Santa Clara
4 County Blood Technician [REDACTED] took (2) vials of blood from [REDACTED] right arm in
5 my presence and gave me the vials in a sealed envelope. I gave the envelope to Burgio and
6 booked [REDACTED]

7
8 **Evidence**

9
10 Burgio gave me the vials of blood at PAPD and I booked them into the PAPD evidence
11 refrigerator. Fino gave me a Macy's bag, gray sweat pants, a gray sweatshirt, Macy's transaction
12 documents, and a cellular phone at PAPD. I booked the Macy's bag, gray sweat pants, a gray
13 sweatshirt, Macy's transaction documents, and cellular phone into evidence at PAPD.

14
15 I downloaded photos and audio files on to a CD for Philip, Fino, and Burgio. I booked the CD
16 into evidence at PAPD.

17
18 **Recommendation**

19
20 Supplement only.

OFFICER'S NAME J. Schmidt	ID NUMBER 6385	DATE 23 Dec 15	SUPERVISOR REVIEW 18	ID NUMBER 5205	DATE 12/24/15
-------------------------------------	--------------------------	--------------------------	--------------------------------	--------------------------	-------------------------

REPORT TYPE / CLASSIFICATION (CIRCLE)	SUPPLEMENT	PALO ALTO POLICE CONTINUATION	CASE NUMBER 15-7911
Assault / Peace Officer			

Investigation

I am presently assigned to the field services division as the watch commander. At approx. 1530 hrs. on 23DEC15 I was on-duty, in full uniform, in that capacity. At that time, I heard Sgt. Philip broadcast that he was contacting one or more suspected shoplifters outside of the Macy's store located at Stanford Shopping Center. Shortly thereafter, I heard Sgt. Philip transmit that he needed "code 3" cover. Because of this request, and the fact that in the background I could hear a subject yelling loudly, I believed that he was engaged in an active fight.

I drove to the scene with the emergency lights and siren activated on my fully marked PAPD patrol vehicle. As I arrived at the Macy's Men's store, I observed plainclothes SED Officers Schmidt and Burgio arriving just ahead of me. I could not initially see where Sgt. Philip was.

Once I exited my vehicle, I observed Sgt. Philip, and SED Officers Fino, Schmidt and Burgio physically struggling with a very large adult male, later identified as suspect [REDACTED]. They were on the edge of the parking lot located on the East side of the driveway that runs in front of the Macy's Men's eastern entrance. At that time, [REDACTED] was on his knees but appeared to be resisting the officers' attempts to push him to the ground. As I reached the struggle, [REDACTED] had finally been pushed to the ground (on his stomach); however, he continued to move his legs around violently and I could feel him trying to push himself up, despite the weight of several officers on him. I placed my body weight on his legs in an effort to control him. I also repeatedly yelled at him to "stop resisting". I could hear other officers doing the same.

I noted that the other officers were having trouble gaining control of his hands because suspect [REDACTED] was holding them firmly underneath his body. In an effort to get [REDACTED] to take his right hand out from underneath his right hip, I struck him on the outside of his hip several times with my closed right fist. Eventually, one of the officers was able to wrestle [REDACTED] left hand from underneath him and I placed a handcuff on that hand. I linked that handcuff to a second pair of handcuffs (due to [REDACTED] size). Moments later, when other officers gained control of [REDACTED] right hand and brought it behind his back, I placed a handcuff on that hand, too.

Evidence

I later reviewed the footage captured by my vehicle's MAV. Beginning at approx. the 15:37 mark, the right-side camera depicts my arrival on scene, at which time Sgt. Philip and Ofc. Fino are seen struggling with suspect [REDACTED] in an upright position. It appears that [REDACTED] is pinned against the fender of a parked vehicle. The same camera angle also depicts Officers Schmidt and Burgio helping Sgt. Philip and Ofc. Fino to push suspect [REDACTED] onto the ground, as well as all five of us continuing to struggle with him on the ground. The audio

OFFICER'S NAME Reifschneider	ID NUMBER 5372	DATE 23DEC15	SUPERVISOR REVIEW <i>[Signature]</i>	ID NUMBER 5225	DATE 12/24/15
--	--------------------------	------------------------	---	--------------------------	-------------------------

REPORT TYPE / CLASSIFICATION (CIRCLE) Assault / Peace Officer	SUPPLEMENT PALO ALTO POLICE CONTINUATION	CASE NUMBER 15-7911
--	--	-------------------------------

1 portion of the MAV captures me (and other officers) repeatedly shouting for
2 [REDACTED] to "stop resisting" and "stop fighting".
3

4 **Recommendation**
5

6 Supplement to court liaison.

OFFICER'S NAME Reifschneider	ID NUMBER 5372	DATE 23DEC15	SUPERVISOR REVIEW <i>[Signature]</i>	ID NUMBER 5225	DATE 12/24/15
--	--------------------------	------------------------	---	--------------------------	-------------------------

REPORT TYPE / CLASSIFICATION (CIRCLE)	SUPPLEMENTAL	PALO ALTO POLICE CONTINUATION	CASE NUMBER 15-7911
Assault / Peace Officer			

Investigation

On 12-23-15 at approximately 1537 hours, I responded to the Stanford Shopping Center on a request by Palo Alto Police Sgt. Philip for emergency aid. Sgt. Philip and other police officers were struggling with a person in the Stanford Shopping Center parking lot. I did not hear all of the details of the call prior to Sgt. Philip requesting emergency assistance over the radio. I had just completed my patrol shift before the request for emergency aid was broadcasted. I had powered down the patrol car computer and I had logged off of the MAV system for the patrol car. The MAV system was still on and downloading data from my patrol shift. I had already turned in the remote pager for the MAV system.

I responded to the Macy's Men's parking lot at the Stanford Shopping Center with several other police officers with emergency lights and sirens. I arrived at the Stanford Shopping Center by parking my patrol car on Sand Hill Rd, adjacent to Macy's Men's. I exited my patrol car and went to the parking lot on foot when Sgt. Becker told me that they had one suspect in custody. I heard on the radio that two black adult males were still outstanding and in the area of Macy's Men's. Police had surrounded the perimeter of Macy's Men's once this information was broadcasted over the radio. I went back to my patrol car and began to drive W/B on Sand Hill Rd to search for any fleeing suspects that might have escaped the perimeter.

I drove approximately 1,500 feet W/B on Sand Hill Rd until I came to the Sand Hill Rd and Plum Ln intersection. I saw one pedestrian standing on the S/E corner of Sand Hill Rd and Plum Ln. The pedestrian was waiting to cross W/B on the Sand Hill Rd / Plum Ln intersection. The pedestrian was a young black adult male. I noticed that the young black adult male was holding a cellular telephone to his ear with his right hand and he was holding a device in his left hand at his waist. I looked as closely as I could at his left hand when I stopped my patrol car in the Sand Hill Rd / Plum Ln intersection. It initially appeared to me that the young black adult male was holding some type of small radio in his left hand. I thought that this person was using his cellular telephone or a small radio to communicate with the other outstanding suspects in the area.

I exited my patrol car and the young black adult male crossed Plum Ln and walked towards me as I introduced myself to him. I could smell an odor of an alcoholic beverage emitting from his mouth when he spoke to me. The male that I had stopped told me that he had consumed alcoholic beverages earlier today. I told him that police were investigating a shoplifting incident at Macy's Men's and two black males had fled the scene. I looked at his left hand and I noticed that he was holding two car key fobs that were attached to each other. The key fobs also had a plastic tag attached to them. I believed that the keys belonged to a rental vehicle because the keys had a clear plastic tag with writing on them. I know that rental car companies usually attach a plastic tag with the rental car's information to the keys so the renter can easily locate their rented vehicle.

OFFICER'S NAME Burger	ID NUMBER 4950	DATE 23DEC15	SUPERVISOR REVIEW <i>[Signature]</i>	ID NUMBER 5201	DATE 12/24/15
---------------------------------	--------------------------	------------------------	---	--------------------------	-------------------------

REPORT TYPE / CLASSIFICATION (CIRCLE)	SUPPLEMENTAL	PALO ALTO POLICE CONTINUATION	CLERK NUMBER 15-7911
Assault / Peace Officer			

Palo Alto Police have investigated several shoplifting cases at the Stanford Shopping Center where multiple suspects had used rental vehicles in the commission of their crimes. The suspects use the rental cars because it is difficult for law enforcement agencies to identify the suspects when they flee the scene in a rental vehicle.

I knew from listening to the radio that police were at Macy's Men's and were currently reviewing the CCTV inside the store with Macy's Men's loss prevention agents.

I broadcasted a description of the young black adult male I had stopped over the radio. I described the person that I had stopped as a black adult male with a black T-shirt, blue jeans, and black shoes. I also broadcasted over the radio that the person I had stopped was approximately 6-2 and 180 lbs.

I pointed to the Macy's Men's building which was easy for both of us to see from our location and I asked the person that I had stopped if he had any identification. The person that I had stopped gave me a California ID card and identified himself as [REDACTED] told me that he was just inside Macy's Men's and he was near the Polo shirt section of the store. [REDACTED] gave me the car keys that he had in his left hand. I looked at the key fob and it belonged to a KIA. The clear plastic tag on the key chain had a California License plate number on the plastic tag. The number on the tag was [REDACTED]. I broadcasted this number over the radio.

I used the information that [REDACTED] gave me to have dispatchers check him for any wants or warrants. Dispatchers told me that he was currently on court probation. The Palo Alto Police officer that was reviewing the CCTV inside Macy's Men's told me over the radio that the person I had stopped matched the description of one of the suspects in this incident. Officer Wright had arrived at my location and assisted with placing handcuffs on [REDACTED]. Officer Wright placed [REDACTED] in the back of his patrol car and transported him to the Palo Alto Police Department.

Officer Wicht broadcasted over the radio that he had a person stopped near Create and Barrel in the Stanford Shopping Center. I went to Officer Wicht's stop and I noticed that Officer Wicht had removed a KIA car key with a similar clear plastic key fob attached to it. I relayed this information to the investigating officers.

Recommendation

Supplemental report only, forward to Court Liaison Officer.

OFFICER'S NAME Burger	ID NUMBER 4950	DATE 23DEC15	SUPERVISOR REVIEW <i>[Signature]</i>	ID NUMBER 5225	DATE 12/24/15
PAGE					

REPORT TYPE / CLASSIFICATION Assault / Peace Officer	SUPPLEMENTAL (CIRCLE)	PALO ALTO POLICE CONTINUATION	CASE NUMBER 15-7911
--	-----------------------	----------------------------------	-------------------------------

1 **INVESTIGATION**

2
3 On 23 DEC 15 at approximately 1536 hours, I responded to the Stanford Shopping Center,
4 located at 180 El Camino Real, for another officer calling for emergency cover units. Before I
5 arrived I heard units on the scene advise, via radio, emergency assistance was no longer needed.
6 I heard Sgt. Philip broadcast there were three subjects at large and the want to detain was
7 shoplifting. The outstanding suspects were described as Black male adults who were skinny.

8
9 While I was on my way to the scene, I observed a Black male adult on the northeast corner of
10 Quarry Road and Arboretum Road. The subject began walking northbound on Arboretum Road
11 and went out of my sight. I then observed the subject crossing Arboretum Road walking
12 westbound toward Crate and Barrel.

13
14 I contacted the subject, later identified as [REDACTED] next to Crate and Barrel at the
15 Stanford Shopping Center. When I contacted [REDACTED] did not activate my emergency lights
16 and I did not give him any commands. I asked [REDACTED] if he had any identification.
17 [REDACTED] provided me with his California identification card.

18
19 I conducted a records check, via radio, for [REDACTED]. Communications advised me [REDACTED]
20 had a no bail, felony warrant [REDACTED]. Communications advised
21 me the warrant matched on [REDACTED] name, date of birth, and driver's license number.
22 Communications confirmed the warrant and I placed [REDACTED] under arrest.

23
24 I transported [REDACTED] back to the police station so other officers could ask him questions
25 about the shoplifting that occurred at Macy's. While at the station Sgt. Becker discovered
26 [REDACTED] had another identity, [REDACTED]. Sgt. Becker was able to obtain a
27 booking photo for the warrant [REDACTED] was arrested for and the photo of the suspect was
28 [REDACTED] (The suspect I had in custody).

29
30 [REDACTED] denied having another identity and insisted his name was [REDACTED]. I
31 transported and booked [REDACTED] into Santa Clara County Main Jail for his warrant [REDACTED]
32 [REDACTED]

33
34 **Recommendation**

35
36 Supplement only.

OFFICER'S NAME Z. Wicht	ID NUMBER 7305	DATE 23 DEC 15	SUPERVISOR REVIEW <i>A. Walker</i>	ID NUMBER 57204	DATE
-----------------------------------	--------------------------	--------------------------	---------------------------------------	---------------------------	------

REPORT TYPE / CLASSIFICATION Assault / Police Officer	SUPPLEMENTAL (CIRCLE)	PALO ALTO POLICE CONTINUATION	CASE NUMBER 15-7911
---	-----------------------	----------------------------------	-------------------------------

INVESTIGATION

On December 23, 2015, I responded to the Stanford Shopping Center to assist officers who broadcasted a call for aid. I arrived and located the officers on the ground near Macy's Mens store. I ran over and saw that the officers and the suspect were all in a pile. The suspect was already handcuffed and there was no forced being used. I told the officers that they could stand up and asked if they were ok. I helped the suspect to his feet and placed him in Officer Monroe's patrol car.

A short time later, I responded to the police station to assist with two detained involved parties. I was told by Sgt. Becker to released [REDACTED] who was in one of the holding cells per 849(b) PC. I filled out the Palo Alto Release/Detention form and released [REDACTED] with the pink copy of the form, his cell phone, and CA ID card. [REDACTED] told me he had no additional property.

A/Lt. Reifschneider brought a set of rental car keys into AIB and left them on the table. Both of the detainees said the keys did not belong to them so they were booked into evidence for safekeeping.

Evidence

A set of rental car keys belonging to a KIA

Recommendation

Supplement Only.

OFFICER'S NAME C. Moore	ID NUMBER 6199	DATE 24 Dec 15	SUPERVISOR REVIEW <i>APB</i>	ID NUMBER 4788	DATE 24 Dec 15
-----------------------------------	--------------------------	--------------------------	---------------------------------	--------------------------	--------------------------

**Palo Alto Police Department
Item Submission Form**

DATE PRINTED: 12/23/2015

TIME PRINTED: 06:13 PM

Case #: 15-7911

Item ID: 1

Barcode ID: 12009-1



Category:: Audio / Video Equip

Description: rental car keys'

Date Received: 12/23/2015

Location: Item currently in **Temporary Location:** Palo Alto Police Department =>
Temporary Evidence Locker

Submitted By: _____ DATE: _____

Received By: _____ DATE: _____

PALO ALTO POLICE DEPARTMENT
RELEASE/DETENTION CERTIFICATE

CEN # _____

CASE # 15-7911
15-357-0101

As required by the provisions of Penal Code Section 851.6, I hereby certify that the taking into custody of

[REDACTED] on 12/23/15 by the Palo Alto Police Department was a
(Subject's Name) (Date)

detention only, not an arrest.

[REDACTED] was released on [REDACTED] by the Palo Alto Police Department.
(Subject's Name) (Date)

Pertinent portions of Penal Code Sections 849, 849.5, and 851.6 are included below:

Officer's Signature: C. McCauley

Title & ID Number: 6199

PENAL CODE SECTION 849 PROVIDES, IN PART:

(a) When an arrest is made without a warrant by a peace officer or private person, the person arrested, if not otherwise released, shall, without unnecessary delay, be taken before the nearest or most accessible magistrate in the county in which the offense is triable, and a complaint stating the charge against the arrested person shall be laid before such magistrate.

(b) Any peace officer may release from custody, instead of taking such person before a magistrate, any person arrested without a warrant whenever:

- (1) He or she is satisfied that there are insufficient grounds for making a criminal complaint against the person arrested.
- (2) The person was arrested for intoxication only, and no further proceedings are desirable.
- (3) The person was arrested only for being under the influence of a controlled substance or drug, and such person is delivered to a facility or hospital for treatment and no further proceedings are desirable.

(c) Any record of arrest of a person released pursuant to paragraphs (1) and (3) of subdivision (b) shall include a record of release. Thereafter, such arrest shall not be deemed an arrest, but a detention only.

PENAL CODE SECTION 849.5 PROVIDES:

In any case in which a person is arrested and released and no accusatory pleading is filed charging him with an offense, any record of arrest of the person shall include a record of release. Thereafter, the arrest shall not be deemed an arrest, but a detention only.

PENAL CODE SECTION 851.6 PROVIDES IN PART:

(a) In any case in which a person is arrested and released pursuant to paragraph (1) or (3) of subdivision (b) of section 849, the person shall be issued a certificate, signed by the releasing officer or his superior officer, describing the action as a detention.

(b) In any case in which a person is arrested and released and no accusatory pleading is filed charging him with an offense, the person shall be issued a certificate by the law enforcement agency which arrested him describing the action as a detention.

CEN

LAST NAME		FIRST		MIDDLE		GEN		DATE OF BIRTH		U.S. CITIZEN YES <input type="checkbox"/> NO		PLACE OF BIRTH	
[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]	
DRIVER LICENSE		IN POSS?		SOCIAL SECURITY NO.		IN POSS?		REPORT NUMBER		BOOKING TYPE		MISC. I.D. NO.	
[REDACTED]		<input type="checkbox"/>		[REDACTED]		<input type="checkbox"/>		15-1911		2		[REDACTED]	
SEX	RACE	HAIR	EYES	HEIGHT	WEIGHT	SCARS/MARKS/TATTOOS							
M	B	BLK	BRN	511	236	[REDACTED]							
RESIDENCE NO.		STREET		SUFFIX		APT. NO.		CITY		STATE		ZIP CODE	
[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]	
TELEPHONE		LAST NAME		FIRST		MIDDLE		GEN		NICKNAME			
[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]			
OCCUPATION		UNION		LOCAL		EMPLOYER NAME		HOW LONG					
[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]			
EMP. ADDRESS		STREET		SUFFIX		APT. NO.		CITY		STATE		ZIP CODE	
[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]	
EMPLOYER'S TELEPHONE		EMERGENCY PERSON		LAST NAME		FIRST		REL.		EMER. TELEPHONE			
[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]			
EMERG. ADDRESS		STREET		SUFFIX		APT. NO.		CITY		STATE		ZIP CODE	
[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]	
VEHICLE		COLOR		MAKE		YEAR		VEHICLE LOCATION		CITY		CITIZEN LAST NAME (ARRESTING)	
STATE LICENSE NO.		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]	
ARREST DATE		ARREST TIME		AGENCY (CJIC)		OFFICER NAME		ID NO.		TRANS. AGENCY		ID NO.	
12-23-15		1538		4312		FIND		6381		4312		6385	
ARREST LOCATION		STREET		APT. NO.		X-STREET		CITY		STATE		ZIP CODE	
180		EL CAMINO		[REDACTED]		SANTA ANA		PALO ALTO		CA		94401	
												REQUESTS PUB. DEF	
												<input type="checkbox"/> YES <input type="checkbox"/> NO	

821/822 PC	FELONY AFFIDAVIT	ARREST AGENCY 951.5	ESCAPE RISK, SUICIDAL OO DEF., ETC
<input type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	TIME _____ DATE _____ I.D. NO. _____	

[illegible]

ARRESTING OFFICER:	BAIL TOTAL	<input type="checkbox"/> PROPERTY HELD AS EVIDENCE	<input type="checkbox"/> STORED BY ARRESTING AGENCY
--------------------	------------	---	--

1	WALLET				CASH	JACKET	COLOR
	CHECKBOOK				\$317-	SWEATER	COLOR
	BELT				BUCKLE	SHIRT/BLOUSE	COLOR
	KEYS #				KNIFE	PANTS	COLOR
	WATCH, COLOR	Y	W	O	BRAND	DRESS/SKIRT	COLOR
	RING				STONE	SHOE	COLOR
	CHAIN				STONE	HAT	COLOR
					STONE	PURSE	
					STONE	LIPSTICK	
					STONE	MISC. ITEMS	
1	LIGHTER				COMB-BRUSH		
	CIGARETTES						

ALIEN STATUS CITIZEN OF _____	REQUEST NOTIFICATION TO CONSULATE YES ____ NO ____	MANDATORY NOTIFICATION TO CONSULATE YES ____ NO ____	DATE ____/____/____ TIME ____ DEPUTY I.D. ____
----------------------------------	--	--	--

X

AFFIDAVIT RE PROBABLE CAUSE AND BAIL SETTING

THE AFFIANT, A PEACE OFFICER FOR THE STATE OF CALIFORNIA (AGENCY) ALTO PA
 STATES THAT: ON (DATE) 12-23-15, (NAME) [REDACTED] (CEN#) [REDACTED]
 (ARREST TIME) 1538 (BOOKING TIME) [REDACTED], WAS BOOKED AT THE SANTA CLARA
 COUNTY JAIL ON THE FOLLOWING CHARGES: CASE# 15-7911

REF. NO.	ON-VIEW FELONY CHARGE(S)	ON-VIEW MISD. CHARGE(S)	SCHEDULED BAIL
(1)	<u>69 PC</u>		<u>10,000</u>
()			
()			
()			
()			
()			
()			

(DO NOT ADD IN BAIL FOR OFFENSES THAT ARE THE SAME COURSE OF ACTION)

() BAIL SET BY COURT BAIL SCHEDULE TOTAL: \$ 10,000
 () BAIL SET BY MAGISTRATE TOTAL: \$ _____ Judge _____
 AUTHORIZED SIGNATURE: _____

DIRECTIONS FOR COMPLETION

What facts led you to believe that the defendant committed the above felony/misdemeanor offense(s)? State reasons for initial contact/car stop. Describe actions of the defendant, addressing the elements of the offense(s), including symptoms of intoxication FSTs; injuries and how inflicted. If you relied on third party information, describe incident and state who can establish the facts:

REASONS FOR STOP/SEARCH/ARREST

POLICE CONTACTED THE SUSPECT FOR INVESTIGATION OF ~~THEFT~~ THEFT FROM MOTO STORE. POLICE IDENTIFIED THEM SELF & REQUESTED THAT THE SUSPECT STOP. THE SUS. REFUSED TO STOP & TALK WITH POLICE. OFFICERS PLACED HAND HOLDS ON THE SUSPECT TO DETAIN HIM. THE SUS. BEGAN TO YELL AND PULL AWAY FROM THE OFFICERS. THE SUS. CONTINUED TO PHYSICALLY RESIST BY PULLING HIS BODY ~~(ARMS, LEGS)~~ (ARMS, LEGS) AWAY FROM THE OFFICERS. OTHER OFFICERS ARRIVED AND HAD TO FORCIBLY PUSH THE SUS. TO THE GROUND. THE SUS. CONTINUED TO RESIST BY NOT FOLLOWING DIRECTION & PULLING AWAY WITH HIS ARMS AND GRABBING AT THE ARRESTING OFFICER. ONE OFFICER RECEIVED AN INJURY TO HIS ~~[REDACTED]~~ AS A RESULT OF THE INTERACTION WITH THE SUS. OTHER OFFICERS ALSO RECEIVED ~~[REDACTED]~~ DUE TO THE SUSPECT'S VIOLENT ACTIONS. THE SUSPECT IS 511, 250 POUNDS. CODE THREE ASSISTANCE HAD TO BE CALLED BY THE CONTINUING OFFICERS AS THEY COULD NOT OVERCOME HER RESISTANCE. THE SGT. WAS ALSO CHECKED INTO E.R.

EACH APPLICABLE SECTION BELOW MUST BE COMPLETED: FOR TREATMENT.

- 1) Was the suspect armed? (Yes/No) Describe weapon: _____
- 2) Did the suspect resist arrest? (Yes/No) Combative to officer(s)? (Yes/No) Describe SGT. HURT ~~[REDACTED]~~ Fled only (Yes/No) _____
- 3) Assault victim info: Age _____ Ht _____ Wt _____ Sex M Relationship to suspect ARRESTING OFFICER.
- 4) Injuries sustained by victim: None _____ Minor _____ Moderate [REDACTED] Major _____
- 5) Type of theft: Person _____ Residence _____ Commercial [REDACTED] Other (describe) _____
- 6) Property taken and approximate value: _____
- 7) Property recovered: None _____ Partial _____ Full Recovery _____
- 8) Controlled substances involved: (Type) _____ Presumptive test results _____
 (Required Information) \$ Value _____ Quantity _____
- 9) Threats to victim(s) or witness(es): including information leading you to believe that the defendant may injure the victim(s)/witness(es) (threats, prior violence, etc.) or may flee prior to a court appearance: _____

I declare under penalty of perjury, that the foregoing is true and correct.

Signature of Affiant/Badge Number 6381

Affiant/Print name D. FINE

Date 12/23/15

Declaration of Person Qualified to Perform Venipuncture

I am qualified pursuant to the California Business and Professional Code section 1246, Title 17 of the California Code of Regulations, and / or the California Vehicle Code section 23158 to perform venipuncture and was so qualified when I worked as a (check all that apply):

☐ Clinical Laboratory Scientist
☐ Licensed Clinical Laboratory Technologist
☐ Registered Nurse
☐ Licensed Vocational Nurse
☒ Certified Phlebotomy Technician

On 12-23-15 when I took blood from a person identified to me as:

I performed the blood draw using the following procedures:

I cleansed the area to be punctured with the non-alcoholic disinfectant and the Arresting Officer witnessed my use of the non-alcoholic disinfectant with the above-name defendant.

A sterilized needle, holder and needle protector was employed to withdraw blood from the defendant's vein. I will withdraw enough blood to fill the vacuum vial furnished by the Santa Clara Crime Laboratory. Prior to using it, I examined the vacuum vial and observed that it contained a dry white powder.

I discarded the needle, holder and disinfectant and inverted the vial 8 to 10 times to prevent the blood from clotting.

I labeled the vials of blood with the full name of the defendant, the date and time of withdrawal and place my initials on the label.

I gave the vial to the Officer who accompanied the defendant, and I observed the Officer place the vials in the envelope furnished by the Santa Clara Crime Laboratory and seal it.

The sample(s) was/were taken and handle in a medically approved manner.

I, [REDACTED] declares under penalty of perjury that under the laws of the State of California the foregoing is true and correct.

Dated, 12-23-15 at San Jose California

Signature of Declarant [REDACTED]

Original: Attach to Administrative Documents
Return to DMV-Driver Safety Office

Law Enforcement Case # 15-7911

Driver's license # _____ (optional)



County of Santa Clara
Crime Laboratory
Office of the District Attorney
250 West Hedding Street
San Jose, California 95110
(408) 808-5900

Physiological Specimen Request
(Press hard and print clearly)

Subject's Name	[REDACTED]		
Requested By	<i>PAPO SCAMIB</i>	Badge #	<i>6385</i>
Agency	<i>PAPD</i>	Agency Case #	<i>15-7911</i>
Technologist Taking Sample	[REDACTED]		
Charges	<i>69PC</i>	Location	<i>SEE NEW TAIL</i>

You are requested to obtain a specimen of blood, urine or breath from the above named subject for the purpose of scientific analysis.

[Signature]
(Officer's Signature)

Type of Specimen	Date of Sample	Time of Sample
Blood <input checked="" type="checkbox"/>	<i>12-23-15</i>	<i>9:53 PM</i>
Urine <input type="checkbox"/>	Technologist's Case #	<i>ML 12-23-15</i>
Breath <input type="checkbox"/>	Vacutainer Lot #	<i>5041971</i>
Typing tube <input type="checkbox"/>	Expiration Date:	<i>2017-02</i>

Observations

Eyes _____ Speech _____
Odors _____ Attitude _____
Coordination and Balance _____
General Comments *Ⓢ ARM - Zephiran - 2 gray tubes*

Mixed - labelled - Handled to the office

6857 REV 8/13

Technologist's Signature: *[Signature]*

Distribution: White - Police Agency Yellow - Technologist Pink - Crime Lab

Released in Compliance of SB 1421 4/10/2019

Palo Alto Police Department
Case #: 15-7911
Offense: Penal Code/Misc
12/23/2015, 180 el camino real 94301

Item Submission Report
Total Number of Case #: 1
Total Number of Items: 1

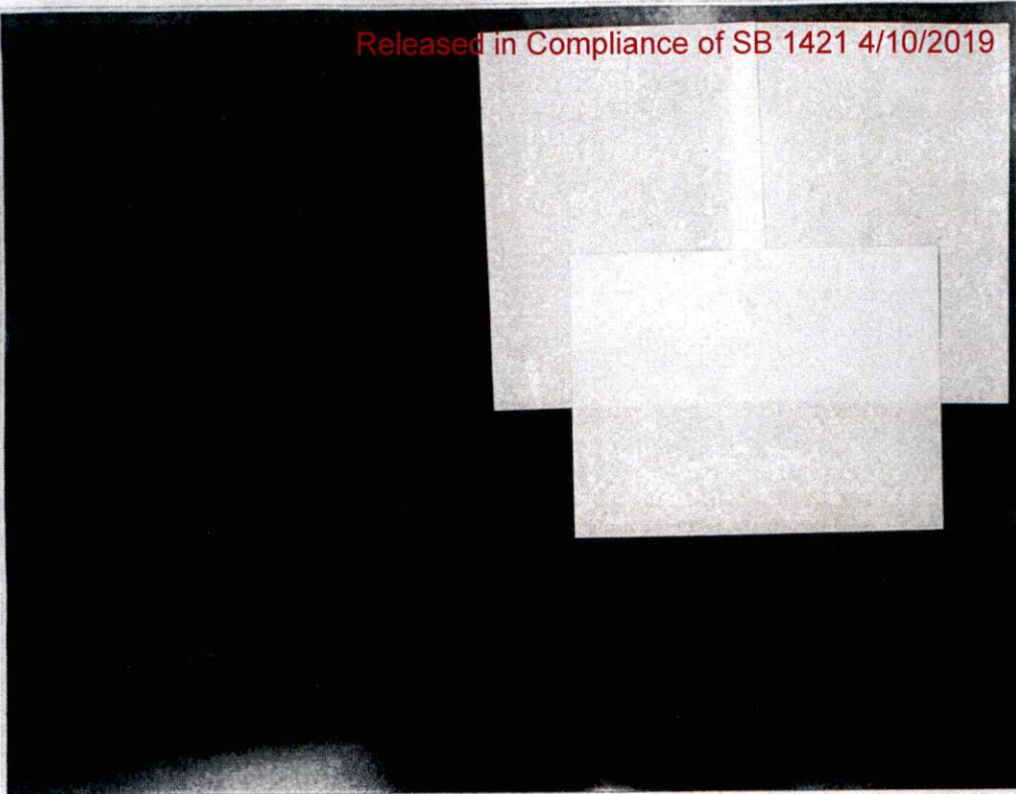
Item Number	Date Received	Reason Taken	Make	Model	Serial Num	Description	Owner Code	Quantity	Item Value	Stolen/Recovered?
8	12/23/2015	Evidence				CD containing photos and audio files	PAPD	1		No

Released in Compliance of SB 1421 4/10/2019

Palo Alto Police Department
Case #: 15-7911
Offense: Penal Code/Misc
12/23/2015, 180 el camino real 94301

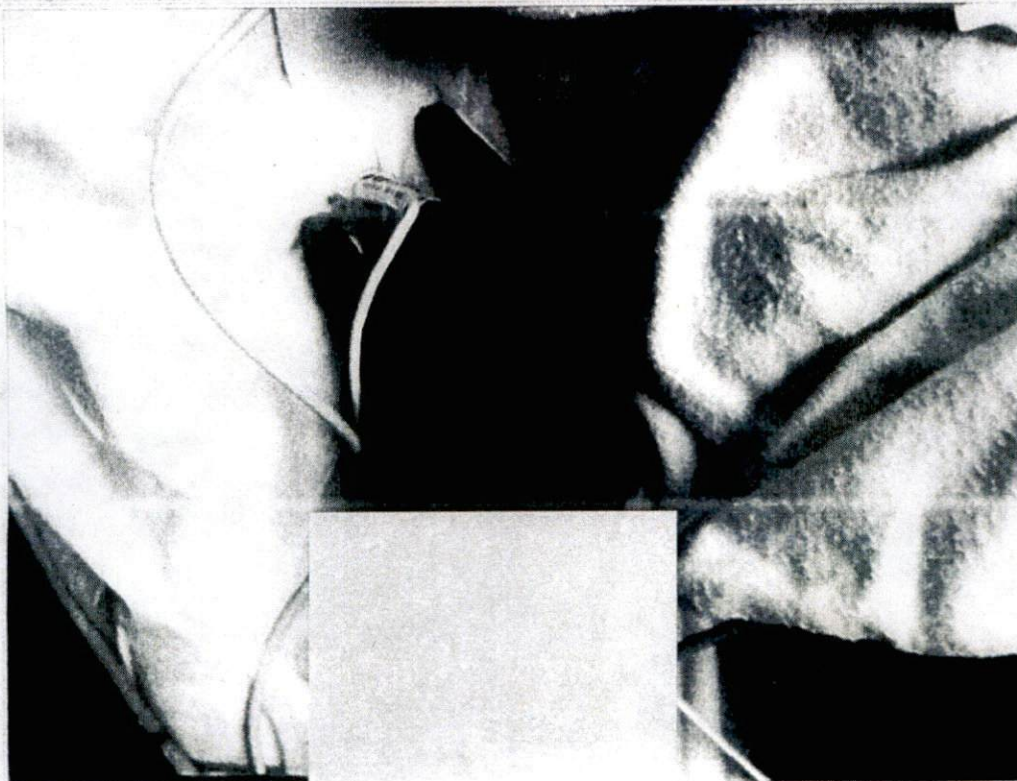
Item Submission Report
Total Number of Case #: 1
Total Number of Items: 6

Item Number	Date Received	Reason Taken	Make	Model	Serial Num	Description	Owner Code	Quantity	Item Value	Stolen/Recovered?
2	12/23/2015	Evidence				(2) vials of suspect's blood	PAPD	1		No
3	12/23/2015	Evidence				Macy's transaction documents	PAPD	1		No
4	12/23/2015	Evidence				gray sweat pants	Suspect 1	1		No
5	12/23/2015	Evidence				gray sweatshirt	Suspect 1	1		No
6	12/23/2015	Evidence				Macy's shopping bag	Suspect 1	1		No
7	12/23/2015	Evidence	Apple	Phone		Apple cellular phone in case	Suspect 1	1		No



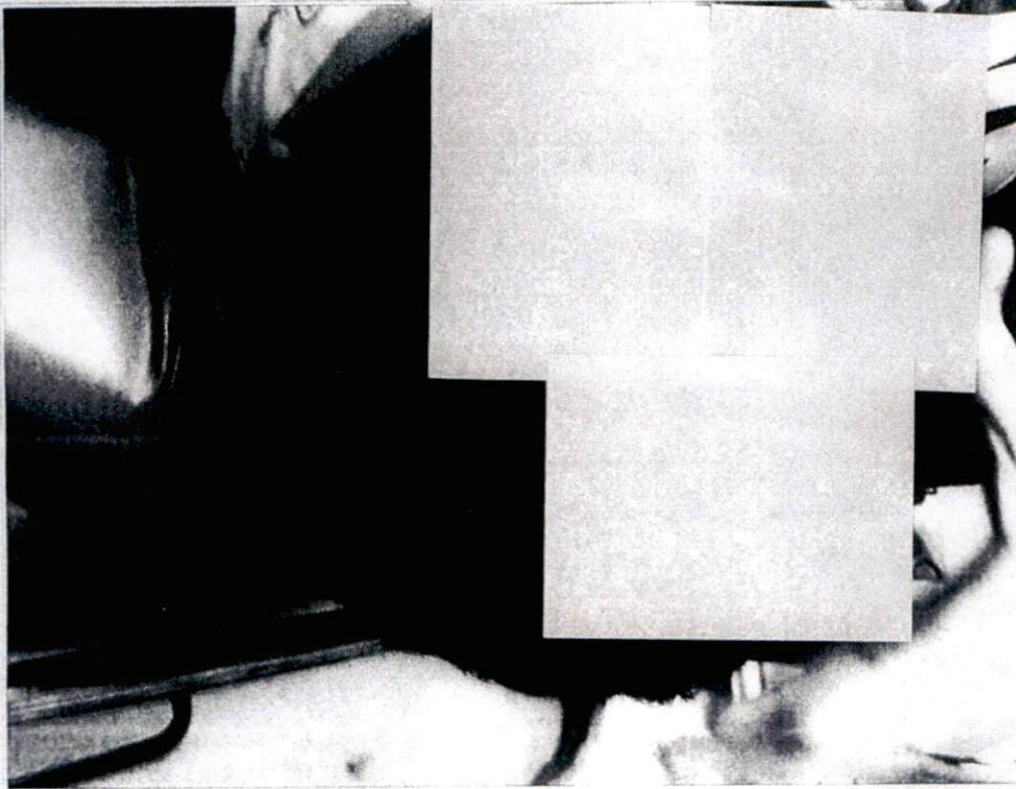
VeriPic VeriPic (R) Digital Photo Lab [www.VeriPic.com]

Media Title	15-7811
Version	1
Case Number	15-357-0101
Photographer	
Camera Model	Secure only (non-VeriPic devices)
Resolution (X Pixels, Y Pixels)	(3264 Pixels Wide, 2448 Pixels High)
Serial Number	83099



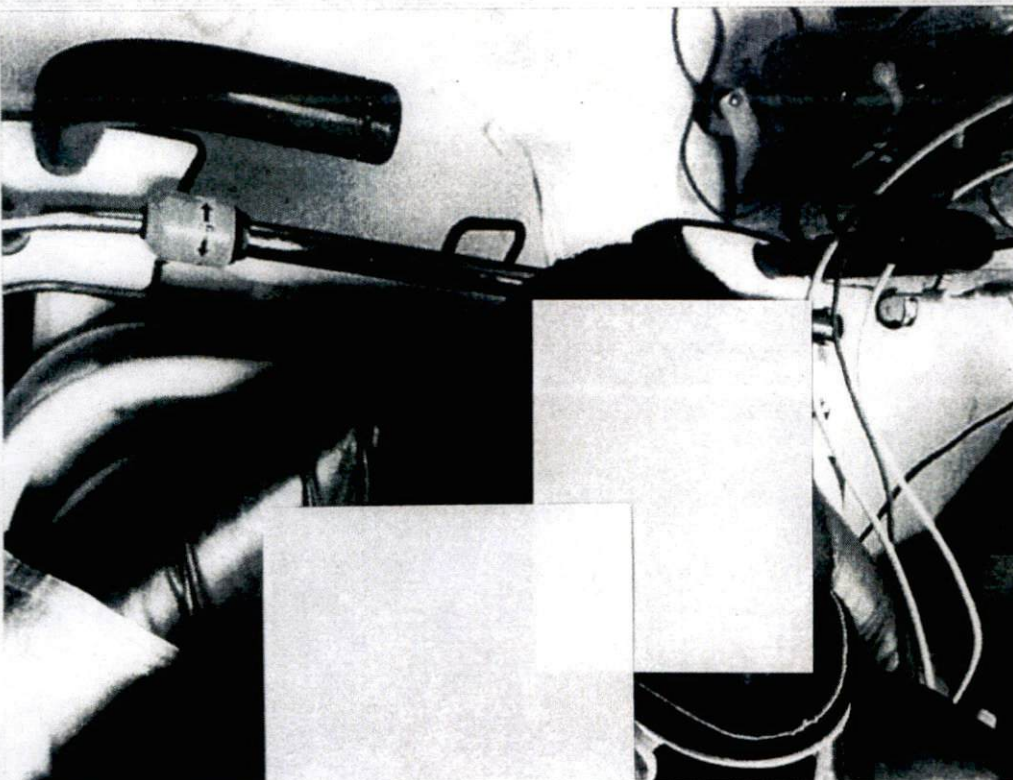
VeriPic VeriPic (R) Digital Photo Lab [www.VeriPic.com]

Media Title	15-7811
Version	1
Case Number	15-357-0101
Photographer	
Camera Model	Secure only (non-VeriPic devices)
Resolution (X Pixels, Y Pixels)	(3264 Pixels Wide, 2448 Pixels High)
Serial Number	83100



Varifac Varifac (R) Digital Photo Lab [www.Varifac.com]

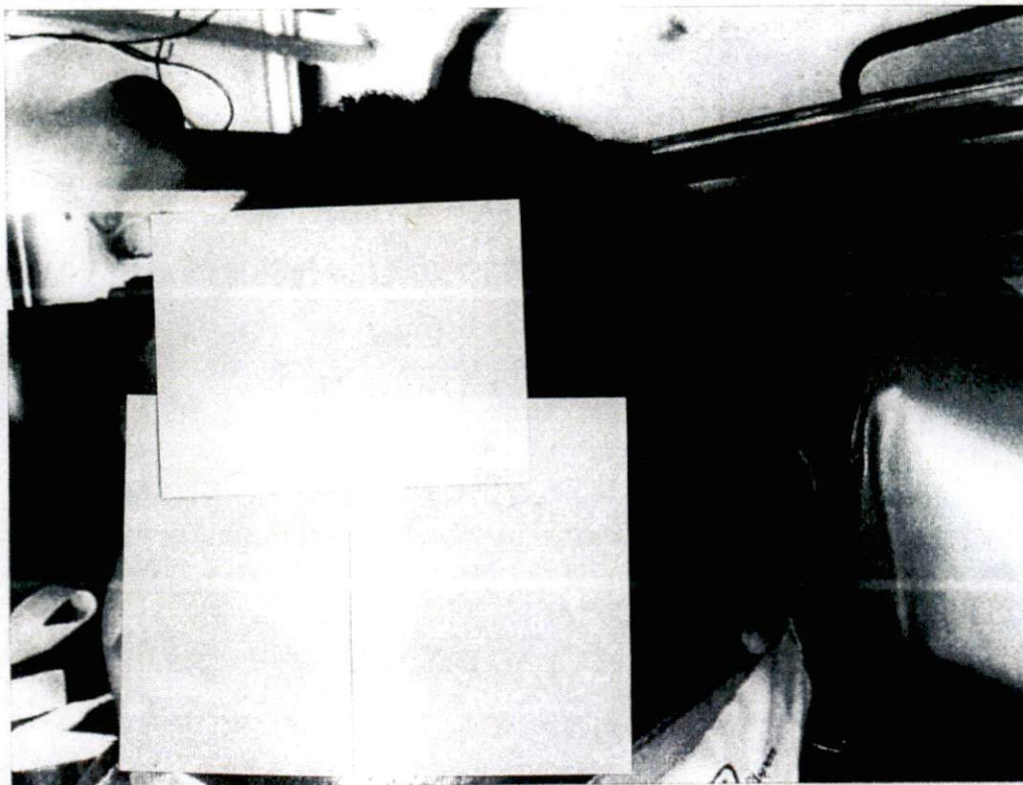
Media Title	15-7811
Version	1
Case Number	15-157-0101
Photographer	
Camera Model	Secure only (non-Varifac device)
Resolution (X Pixels, Y Pixels)	(1264 Pixels Wide, 2448 Pixels High)
Serial Number	88104



Varifac Varifac (R) Digital Photo Lab [www.Varifac.com]

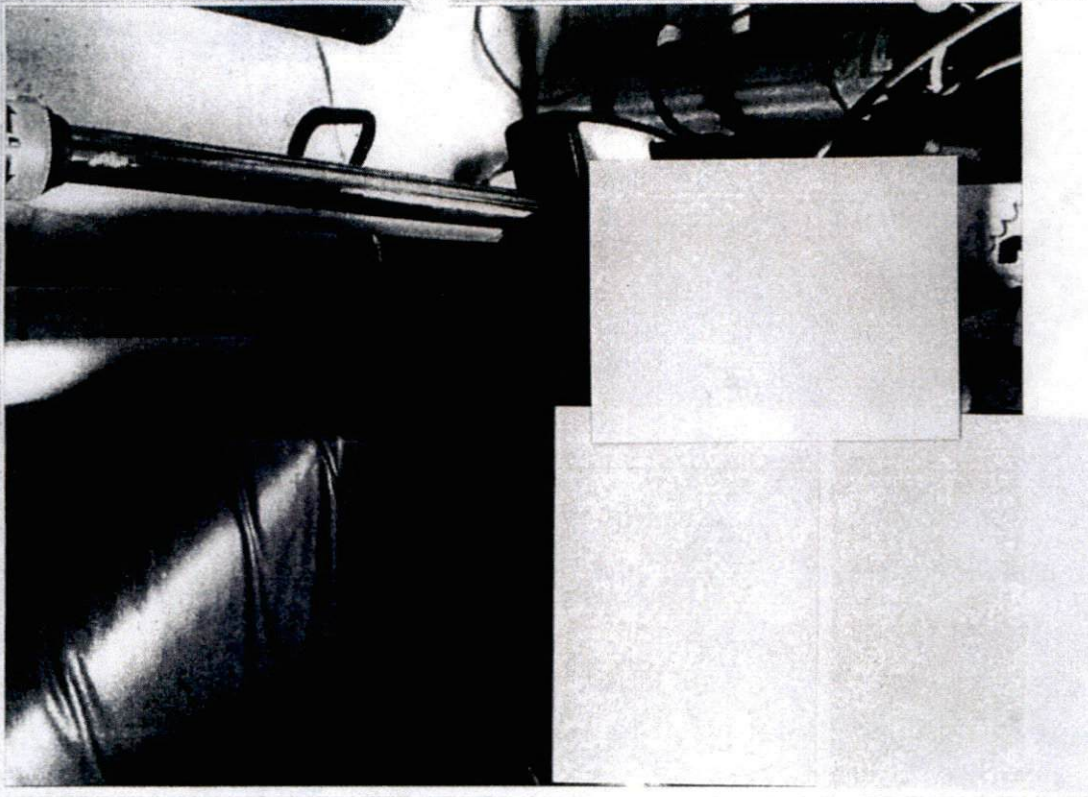
Media Title	15-7811
Version	1
Case Number	15-157-0101
Photographer	
Camera Model	Secure only (non-Varifac device)
Resolution (X Pixels, Y Pixels)	(1264 Pixels Wide, 2448 Pixels High)
Serial Number	88104

Veritas (P) Digital Photo Lab (www.veritas.com)
Media Title: 15-7811
Veritas
Case Number: 15-157-0101
Photographer: 15-157-0101
Camera Model: 15-157-0101
Resolution: 15-157-0101
Serial Number: 15-157-0101



Veritas (P) Digital Photo Lab (www.veritas.com)
Media Title: 15-7811
Veritas
Case Number: 15-157-0101
Photographer: 15-157-0101
Camera Model: 15-157-0101
Resolution: 15-157-0101
Serial Number: 15-157-0101



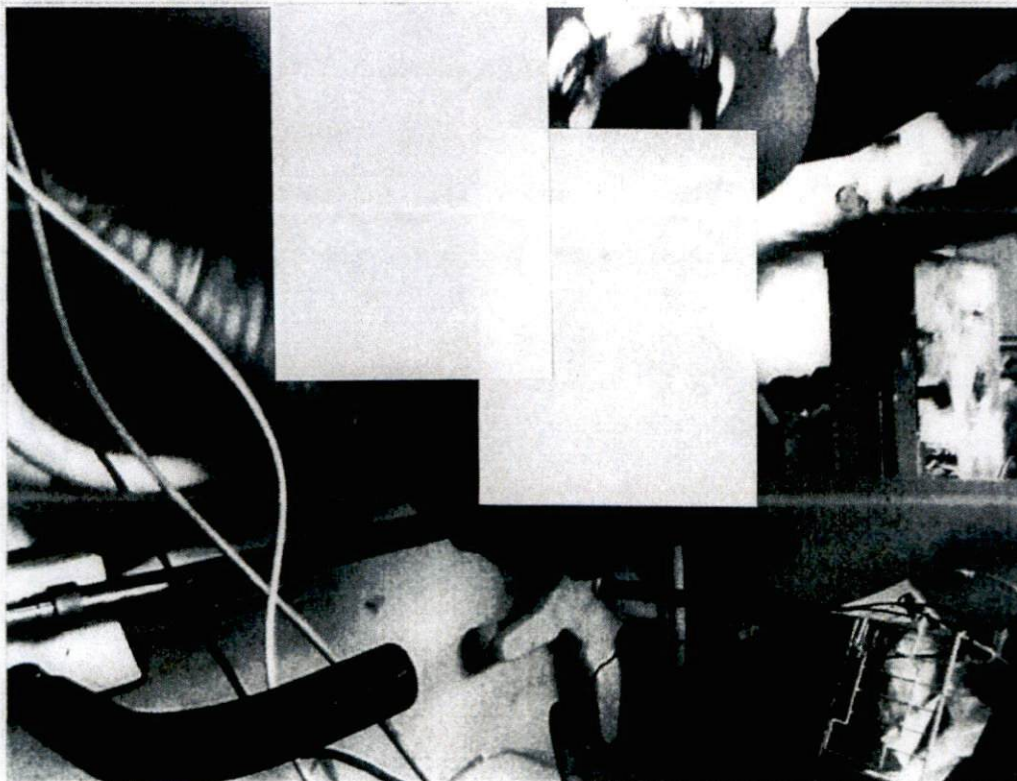


VeriPic VeriPic (R) Digital Photo Lab [www.VeriPic.com]

Media Title	15-7811
Version	1
Case Number	15-357-0101
Photographer	
Camera Model	Secure only (non-VeriPic devices)
Resolution (X Pixels, Y Pixels)	(3264 Pixels Wide, 2448 Pixels High)
Serial Number	88105



VeriPic VeriPic (R) Digital Photo Lab (www.VeriPic.com)
Media Title 15-7811
Version 1
Case Number 15-157-0101
Photographer
Camera Model Secure only (non-VeriPic devices)
Resolution (X Pixels, Y Pixels) (3264 Pixels Wide, 2448 Pixels High)
Serial Number 10097



VeriPic VeriPic (R) Digital Photo Lab (www.VeriPic.com)
Media Title 15-7811
Version 1
Case Number 15-157-0101
Photographer
Camera Model Secure only (non-VeriPic devices)

ROUTING SIGNATURES		
NUMBER: UOF2015-11		
TITLE	SIGNATURE	DATE
1-Supervisor		
2-Lieutenant	<i>KLP</i>	4-4-16
3-Captain	<i>[Signature] #1929</i>	5/22/16
4-Chief	<i>[Signature] #1706</i>	5/31/16
5-P&T Lieutenant		
6-Admin. Associate	<i>Palares Morquecho</i>	6/6/16
<input type="checkbox"/> POBAR/SB90	<u>S:\PD\A-ALL\POBAR Form.pdf</u>	

Discussions
in between

Policy

446

Palo Alto Police Department

Policy Manual

Mobile Audio Video

446.1 PURPOSE AND SCOPE

The Palo Alto Police Department has equipped marked patrol cars with Mobile Audio Video (MAV) recording systems to provide records of events and assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

446.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

In-car camera system and Mobile Audio Video (MAV) system - Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

MAV technician - Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

446.2 POLICY

It is the policy of the Palo Alto Police Department to use mobile audio and video technology to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently.

446.3 OFFICER RESPONSIBILITIES

- (a) The use of the MAV system is mandatory as outlined in this policy.
- (b) Each officer shall sign onto the system by selecting their name from the drop down menu on the MAV system. Prior to going into service, each officer will ensure that the equipment is functioning properly.
- (c) Required procedures include checking the power source, checking connections to the recording equipment AND checking that the system is recording both audio and visual information (including a remote activation test).
- (d) Any malfunction of the MAV shall be reported immediately to a supervisor. If a vehicle is kept in service without an operational MAV, a notation shall be made to Dispatch via radio transmission.
- (e) The supervisor will ensure that Technical Services Staff is notified of any system malfunction that requires repair or maintenance.

Palo Alto Police Department

Policy Manual

Mobile Audio Video

- (f) The officer may view MAV recordings in the field during their shift.
- (g) There may be some situations where the officer desires to have a particular recording flagged with a case number, but that recording is of something other than one of the scenarios listed in Policy Manual §446.61. In that case, the officer shall notify the authorized Department personnel to mark video recording for retention, and authorized Department personnel will mark the recording to be held.
- (h) MAV recordings containing arrests, assaults, physical or verbal confrontations, vehicle pursuits, vehicle searches in which contraband is recovered, driving while intoxicated or under the influence arrests, or any prisoner transport shall be treated as evidence and held for use in criminal prosecution.
- (i) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a MAV custodian or designee may erase and reissue previously media.

446.3.1 BODY WORN CAMERAS

When assigned for use, body worn cameras shall be used in accordance with all aspects of the Department's MAV policy. The video and audio captured by these devices will be retained in a similar manner and for the same amount of time as video and audio files captured under the in-car MAV system.

446.4 ACTIVATION OF THE MAV

(a) Activation of the MAV is automatic when:

- The patrol vehicle's emergency lights (position #2 or #3), siren, or PA (public address system) are activated.
- The rear door of a K9 vehicle is opened.
- The rear door of a patrol vehicle is opened.
- The crash indicator is activated.
- The patrol vehicle attains a speed of 80 MPH.

(b) The system remains on until turned off manually while the ignition is on. Turning off the ignition will initiate the system's shutdown 30 minute timer which will have to be bypassed if a longer recording is desired with the ignition off.

(c) The officer worn microphone automatically turns on when the system is activated, recording both audio and video. The microphone will be worn at or above the waist on the outer layer of the uniform (ie. duty belt or epaulet).

(d) The MAV system has pre-event recording capability and will record events prior to manual or automatic activation of the MAV into a memory buffer. 30 seconds of video only pre-event recording is saved upon activation of the system. Additional "after the fact" video only is recorded onto the system's hard drive. It is available for retrieval until overwritten.

Palo Alto Police Department

Policy Manual

Mobile Audio Video

- (e) The in-car microphone is automatically activated when a recording is activated.

446.4.1 REQUIRED ACTIVATION OF MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct within video or audio range:
1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
 2. Code 3 responses
 3. Vehicle pursuits
 4. Suspicious vehicles
 5. Arrests
 6. Vehicle searches
 7. Physical or verbal confrontations or use of force
 8. Pedestrian checks
 9. DWI/DUI investigations including field sobriety tests
 10. Consensual encounters
 11. Crimes in progress
 12. Responding to an in-progress call
- (b) All self-initiated activity in which an officer would normally notify the Communications Center
- (c) Surveillance for law enforcement purposes during the course of an ongoing or potential investigation.
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording
- (e) Any other circumstance where the officer believes that a recording of an incident would be appropriate

446.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the officer's involvement in the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all

Palo Alto Police Department

Policy Manual

Mobile Audio Video

arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

446.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

446.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of the Communications Center and MAV technician

At reasonable intervals, supervisors should validate that:

- (a) Beginning and end-of-shift recording procedures are followed.
- (b) Videos are marked as required.
- (c) The operation of MAV systems by new employees is assessed and reviewed no less than biweekly.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MAV technician or crime scene investigator properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

Supervisors may activate the MAV system remotely to monitor a developing situation, such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of monitoring the conversations or actions of an officer. Any time remote viewing is activated, a visual indicator will appear on the in-car video screen and the supervisor who initiated the activation will direct dispatch to notify all units that remote viewing is in progress.

446.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

Palo Alto Police Department

Policy Manual

Mobile Audio Video

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the department MAV technician or forensic media staff. A copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media. The original media is stored and maintained on the Department's server.

Recordings may be reviewed in any of the following situations:

- (a) By the officer themselves for preparation of written reports or follow-up investigations.
- (b) By a supervisor or manager investigating a specific act of officer conduct or to mitigate a potential citizen complaint
- (c) By a supervisor for purposes of improving officer performance
- (d) By a Department employee after approval of a supervisor who is participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
- (e) By department personnel who request to review their own recordings in preparation for court testimony
- (f) By an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment
- (g) By authorized personnel (e.g. District Attorney, supervisor, manger) during discovery/court process. Recordings must be accessed through the proper process (Penal Code 1054.5 - discovery or court order)
- (h) Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the Chief of Police to determine if the training value outweighs the officer's objection for not showing the recording. Recordings shown for training purposes will be presented in a fair and unbiased manner.
- (i) In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

A first time infraction discovered during routine review of recorded material that is deemed minor in nature by Management, will generally be handled through training and counseling.

The MAV system as configured with five cameras and high quality audio has the capability to capture a significant amount of video and audio when in operation. An individual officer's experience may not include everything captured by the system.

Palo Alto Police Department

Policy Manual

Mobile Audio Video

446.6 DOCUMENTING MAV USE

- (a) If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the officer's report.
- (b) If a citation is issued, the officer shall make a notation on the back of the officer's copy of the citation, indicating that the incident was recorded.
- (c) In the event of accidental recording, the officer shall submit a request to the MAV custodian for the deletion of the accidentally recorded data.

446.7 RECORDING MEDIA STORAGE AND INTEGRITY

All MAV recordings will be retained in accordance with the established records retention schedule. (Government Code § 34090.6).

446.7.1 COPIES OF ORIGINAL RECORDING MEDIA

A copy of the original recording media will be made for use as authorized in this policy.

446.7.2 MAV RECORDINGS AS EVIDENCE

Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer or against the Palo Alto Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

446.8 SYSTEM OPERATIONAL STANDARDS

- (a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.
- (b) The MAV system shall be configured to minimally record for 30 seconds prior to an event.
- (c) The MAV system shall not be configured to record audio data occurring prior to activation.
- (d) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.

446.9 MAV CUSTODIAN RESPONSIBILITIES

- (a) The Technical Services Division (TSD) has overall responsibility for the MAV system and shall serve as custodian of these records.
- (b) All Police MAV recordings, excepting test recordings or accidental activations, shall be retained in accordance with California Government Code (CGC) §34090 and CGC §34090.6 for a period of not less than one year.

Palo Alto Police Department
Policy Manual

Mobile Audio Video

- (c) Release of MAV recordings shall be conducted in accordance with Penal Code §1054.5 (discovery requests for criminal prosecution), CGC §6250 (California Public Records Act) and in accordance with Policy Manual §810 (Release of Records and Information).
- (d) All retrieved MAV recordings will be uploaded into the MAV server within the same day as the recording unless hindered by equipment or network malfunction or availability.
- (e) Routine and evidentiary MAV recordings on the server are backed up daily on a redundant server so that recordings are accessible online by officers for a period of not less than 365 days from the date of recording.
- (f) All routine requests by authorized department personnel for online access to MAV recordings for court preparation or other official business, outside of the normal online access period will be handled within 2-3 business days of the request.
- (g) If an emergency need to access these recordings is required, the Technical Services Division On Call Technician can be contacted for immediate restoration and access.
- (h) The MAV custodian or their designee shall be responsible for the retrieval, storage, backup and duplication of all MAV recordings in addition to the ongoing maintenance of the systems and association components.
- (i) All MAV recordings will be retained in accordance with the established records retention schedule (Government Code 34090.6)
- (j) MAV recordings will be stored on a separate and secure server.

446.10 TRAINING

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

Policy

300

Palo Alto Police Department

Policy Manual

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Force - The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

300.2.1 DUTY TO INTERCEDE

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably

Palo Alto Police Department

Policy Manual

Use of Force

appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 USE OF FORCE TO EFFECT AN ARREST

Any peace officer may use reasonable force to effect an arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape or to overcome resistance (Penal Code § 835).

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of drugs or alcohol.
- (e) Subject's mental state or capacity.
- (f) Proximity of weapons or dangerous improvised devices.
- (g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (h) The availability of other options and their possible effectiveness.

Palo Alto Police Department

Policy Manual

Use of Force

- (i) Seriousness of the suspected offense or reason for contact with the individual.
- (j) Training and experience of the officer.
- (k) Potential for injury to officers, suspects and others.
- (l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.
- (m) The risk and reasonably foreseeable consequences of escape.
- (n) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (p) Prior contacts with the subject or awareness of any propensity for violence.
- (q) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the officer.
- (c) Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.3.4 CAROTID CONTROL HOLD

The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is subject to the following:

- (a) The officer shall have successfully completed department-approved training in the use and application of the carotid control hold.
- (b) The carotid control hold may only be used when circumstances perceived by the officer at the time indicate that such application reasonably appears necessary to control a person in any of the following circumstances:
 - 1. The subject is violent or physically resisting.
 - 2. The subject, by words or actions, has demonstrated an intention to be violent and reasonably appears to have the potential to harm officers, him/herself or others.

Palo Alto Police Department

Policy Manual

Use of Force

- (c) The application of a carotid control hold on the following individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective, or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of applying a carotid control hold:
 - 1. Females who are known to be pregnant
 - 2. Elderly individuals
 - 3. Obvious juveniles
- (d) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until examined by paramedics or other appropriate medical personnel.
- (e) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the subject lost consciousness as a result.
- (f) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (g) The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

300.4 DEADLY FORCE APPLICATIONS

Use of deadly force is justified in the following circumstances:

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:

- 1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.
- 2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

Palo Alto Police Department

Policy Manual

Use of Force

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The report shall minimally include the type of force used, the reason for the force, the description of any injuries and a description of any medical treatment rendered. Additionally, a thorough explanation of the factors considered by the officer shall be included in the officer's police report. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.

300.5.1 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of a CED or control device.
- (f) Any application of a restraint device other than handcuffs, shackles or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges any of the above has occurred.

300.5.2 INCIDENTS REQUIRING A SUPERVISOR'S REPORT

Use of force incidents that meet any one of the below listed criteria will be investigated and documented.

- (a) An officer strikes a blow using any physical strength or object to a subject;

Palo Alto Police Department

Policy Manual

Use of Force

- (b) An officer uses force which causes any visible or apparent physical injury, or which results in the subject claiming he or she was injured;
- (c) An officer strikes a blow using any physical strength or object to a subject that causes any visible physical injury or which the subject complains of pain;
- (d) An officer uses physical control on a subject beyond a physical compliance hold that causes any visible physical injury or which the subject complains of pain;
- (e) An officer uses O.C./baton/ASP on any subject;
- (f) An officer delivers a Less Lethal Kinetic Energy projectile at a person;
- (g) A "Taser" application by an officer;
- (h) Any bite or injury resulting from the use of a police service dog;
- (i) Any other incident for which the supervisor/Watch Commander deems a "use of force" report is necessary.
- (j) The use or attempted use of the carotid restraint shall be thoroughly documented in a use of force report.
- (k) Any use of force where the suspect becomes unconscious.

300.5.3 SUPERVISOR'S REPORT ON USE OF FORCE

The on-duty supervisor will investigate the use of force and complete the "Supervisor's Report on Use of Force" form. All relevant documents will be attached. The Supervisor's "Use of Force" report narrative should be documented in a memorandum format and contain the following headings/information:

- (a) Synopsis - A brief narrative of the incident:
- (b) Suspect Information/Statements - If the supervisor was able to obtain a statement from involved suspect, the statement should be provided.
- (c) Injures - Describe in detail any injuries suffered by the suspect, officers or any other involved subject(s).
- (d) Property Damage - Any property damage that occurred.
- (e) Involved Officer(s) and Roles - Describe actions taken by involved officers.
- (f) Investigation- Investigative steps taken.
- (g) Attachments - Any pertinent documents and attachments.
- (h) Opinions and Conclusions - A summary of the incident.

The report will be submitted prior to the end of the shift. The investigating supervisor must obtain approval from the Watch Commander if the report cannot be completed in time. The report will be routed through the chain of command for approval. The Division Captain, Assistant Police Chief and the Police Chief will conduct a final review.

Palo Alto Police Department

Policy Manual

Use of Force

300.6 MEDICAL CONSIDERATION

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor, or if not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called #excited delirium#), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

300.7 SUPERVISOR RESPONSIBILITY

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
 1. The content of the interview should not be summarized or included in any related criminal charges.
 2. The fact that a recorded interview was conducted should be documented in a property or other report.

Palo Alto Police Department

Policy Manual

Use of Force

3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the subject may pursue civil litigation.
 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.7.1 WATCH COMMANDER RESPONSIBILITY

The Watch Commander shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.8 USE OF FORCE INCIDENTS/INTERNAL AFFAIRS INVESTIGATIONS

At any time after a use of force incident the supervisor has reason to believe the involved officer could be facing disciplinary action, the supervisor should immediately notify the Watch Commander. The Watch Commander will consult with the Division Captain and the Personnel and Training Lieutenant. If the decision is made to conduct an Internal Affairs Investigation, the initial supervisor should not conduct any further investigation unless directed otherwise. The initial supervisor will complete as much of the "Supervisor's Report on Use of Force" Form as possible. The supervisor will then check the box on the report form indicating Administrative Investigation and forward the report form to the designated Internal Affairs Investigator.

300.9 TRAINING

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.